



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR IVAN GREENBERG

January 23, 2006

Subject: FILE NO 66 3286

FOIPA No. 1004410- 000

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☒ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☐ (b)(3) _____

☒ (b)(7)(C)

☐ (k)(1)

☐ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☐ (b)(5)

☐ (b)(9)

☐ (k)(6)

☒ (b)(6)

☐ (k)(7)

429 page(s) were reviewed and 422 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

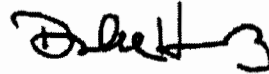
☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s) (2)

Enclosed is the second interim release of file 66-3286, sections 29 and 30. Please remit a check or money order, payable to the Federal Bureau of Investigation, in the amount of \$42.20. The FOIPA number assigned to this request should be included with your check. Approximately 817 pages remain to be processed.

:

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k) (1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET 08/17/1979

Total Deleted Page(s) ~ 7

Page 54 ~ b1
Page 57 ~ b1
Page 59 ~ b1
Page 72 ~ b1
Page 73 ~ b1
Page 122 ~ b1
Page 142 ~ b1

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

ATTENTION

The following documents appearing in FBI files have been reviewed under the provisions of The Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552); Privacy Act of 1974 (PA) (Title 5, United States Code, Section 552a); and/or Litigation.

☐ FOIA/PA

☐ Litigation

☐ Executive Order Applied

Requester: _____

Subject: _____

Computer or Case Identification Number: _____

Title of Case: _____ Section _____

* File _____

Serials Reviewed: _____

Release Location: *File _____ Section _____

This file section has been scanned into the FOIPA Document Processing System (FDPS) prior to National Security Classification review. Please see the documents located in the FDPS for current classification action, if warranted. Direct inquiries about the FDPS to RIDS Service Request Unit, 202-324-

b2

File Number: 66 HQ-3286 Section 29

Serial(s) Reviewed: ALL

FOIPA Requester: _____

FOIPA Subject: _____

FOIPA Computer Number: 1004410

File Number: _____ Section _____

Serial(s) Reviewed: _____

FOIPA Requester: _____

FOIPA Subject: _____

FOIPA Computer Number: _____

File Number: _____ Section _____

Serial(s) Reviewed: _____

FOIPA Requester: _____

FOIPA Subject: _____

FOIPA Computer Number: _____

THIS FORM IS TO BE MAINTAINED AS THE TOP SERIAL OF THE FILE, BUT NOT SERIALIZED.

ATTENTION

DO NOT REMOVE FROM FILE

August 17, 1979

FEDERAL GOVERNMENT

Honorable Bill Archer
Member of Congress
7501 Federal Building
515 Rust
Houston, Texas 77002

DESTRUCTION OF BUREAU

Dear Congressman Archer:

RECORDS

Your letter of July 25th enclosing a copy of [redacted] letter to the President has been referred to me for acknowledgment.

As Judge Webster stated on the "Face the Nation" program, our file destruction policy is a matter of record and has the approval of the Archivist of the United States. The specific provisions are set forth in Title 44, Chapter 33 of the United States Code, and in Title 41, Chapter 101-11 of the Code of Federal Regulations. We closely coordinate these matters with the National Archives and Records Service and have a comprehensive program in force to facilitate the destruction of obsolete material and the permanent retention of historical valuable records. The Code of Federal Regulations cited above, requires that records no longer of current use be disposed of promptly. After the passage of appropriate time, those records deemed to have historical value, and thus preserved under the same citation, are transferred to the National Archives where they are available for research purposes.

We are not destroying files at the present time at FBI Headquarters, where most of our files are located. As Director Webster pointed out, the files that we do want to destroy, for good business management reasons, are in the field, and are largely copies of documents currently on file at FBI Headquarters.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____

MN:jmh (7)

REC-2 66-3286-1325
SEE COPY DESIGNATIONS AND NOTE, PAGE TWO

AUG 20 1979

AUG 21 1979

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EFW/gmk

MAILED 8
AUG 17 1979

FBI

b6
b7c

UNRECORDED COPY FILED IN

190-0

TWP

jmh

REC

SEP 13 15 23 PM '79

REC'D MAIL ROOM

XEROX
AUG 21 1979

Honorable Bill Archer

Let me assure you and [] that, as evidence by the more than 1,900 final responses to Freedom of Information Act (FOIA) requests made last year alone, the FBI is committed to the principle of full disclosure of information to which the public has a right. There is nothing in our regulations regarding file destruction that circumvents the Freedom of Information Act either in spirit or in law.

Sincerely yours,


William L. Bailey
Assistant Director

1 - Houston - Enclosures (2)
1 - Legal Liaison and Congressional Affairs Unit - Enclosures (2)
NOTE: There is nothing in Bufiles on [] to preclude this letter.

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.: _____
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgmt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

Congress of the United States

House of Representatives

Washington, D.C.

July 30 1979

DESTRUCTION OF BUREAU RECORDS -

FEDERAL GOVERNMENT

TO: Federal Bureau of Investigation
 Sir:

GENERAL

The attached communication is sent for your consideration. Please investigate the statements contained therein and forward me the necessary information for reply, returning the enclosed correspondence with your answer.

Yours truly,

Edward R. Roybal
 (California)

ATTN:

Washington, D.C. 20515

60 SEP 27 1979

EXP. PROC.
 35 JUL 31 1979

K71C REC-5

E-55

66-3286-1326

8-27
 JUL 31 1979

b6

b7C

1-ENCLOSURE

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 9-18-82 BY SP4 E2W/1HK

CORRESPONDENCE

[redacted]
July 23, 1979.

b6

b7C

Edward R. Roybal
Congressman, 25th District

Dear Congressman Roybal:

We have appreciated your answering our letters,
and were sorry we could not attend the [redacted]
[redacted] lunch at which you spoke last week.

One of our concerns at present is the admitted
destroying of historical and political documents by
FBI Director William Webster (Congressional testimony).
It is evident that he is afraid of past and current il-
legal activities being revealed.

b6

b7C

The Freedom of Information Act is in danger
as he does not want to release files until 10 years
old, and has already destroyed files shortly over 5
years. Thus he is working to destroy the Information
Act.

We urge you to support this Act by opposing
the FBI's proposed illegal ban on turning over files.

Sincerely yours,

b6

b7C

*original enclosed
returned to
correspondent
8/5/79*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E2W/gmr

ENCLOSURE

66-3286-1326

Routing Slip
0-7 (Rev. 5-13-77)

(Copies to Offices Checked)

TO: SAC:

☐ Albany
☐ Albuquerque
☐ Alexandria
☐ Anchorage
☐ Atlanta
☐ Baltimore
☐ Birmingham
☐ Boston
☐ Buffalo
☐ Butte
☐ Charlotte
☐ Chicago
☐ Cincinnati
☐ Cleveland
☐ Columbia
☐ Dallas
☐ Denver
☐ Detroit
☐ El Paso
☐ Honolulu
☐ Houston
☐ Indianapolis
☐ Jackson
☐ Jacksonville
☐ Kansas City
☐ Knoxville
☐ Las Vegas
☐ Little Rock
☐ Los Angeles
☐ Louisville
☐ Memphis
☐ Miami
☐ Milwaukee
☐ Minneapolis
☐ Mobile
☐ Newark
☐ New Haven
☐ New Orleans
☐ New York City
☐ Norfolk

☐ Oklahoma City
☐ Omaha
☐ Philadelphia
☐ Phoenix
☐ Pittsburgh
☐ Portland
☐ Richmond
☐ Sacramento
☐ St. Louis
☐ Salt Lake City
☐ San Antonio
☐ San Diego
☐ San Francisco
☐ San Juan
☐ Savannah
☐ Seattle
☐ Springfield
☐ Tampa
☐ Washington Field
☐ Quantico

TO LEGAT:

☐ Bern
☐ Bonn
☐ Buenos Aires
☐ Caracas
☐ Hong Kong
☐ London
☐ Madrid
☐ Manila
☐ Mexico City
☐ Ottawa
☐ Paris
☐ Rome

☐ SAC, New Rochelle (MRA) ☐ ASAC, Rapid City ("Mini") 11/16/77
(Date)

RE:

Bulet to SAC, Albany and all offices with
copies to each Legat dated 10/28/77, captioned
"Destruction of Field Files and Records Buded
11/8/77."

BUREAU RECORDS

Retention For appropriate
☐ optional ☐ action ☐ Surep, by _____
☐ The enclosed is for your information. If used in a future report, ☐ conceal all
sources, ☐ paraphrase contents.
☐ Enclosed are corrected pages from report of SA 66-3286-
dated _____

NOT RECORDED

Remarks:

Legats should adhere to the instructions
contained in the Foreign Operations Policy Manual
concerning destruction of files and index cards.
It will not be necessary for Legats to submit
monthly reports on the status of file and index
card destruction.

NOTE: Coordinated with SA 66-3286-
CI-3-C Unit, Intelligence Div.

Enc.
Bufile 66-3286
Urfile

FBI/DOJ

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY 884 E2W/glt

b6
b7C

File in 66-3286
9 APR 28 1981
35 NOV 28 1977

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cochran

DATE: 11/3/76

FROM : [REDACTED]

SUBJECT: EXCESS TECHNICAL EQUIPMENT
CONFIDENTIAL DISPOSAL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-29-82 BY SP4 ESW/gmk

PURPOSE:

DESTRUCTION OF BUREAU PROPERTY

To obtain approval of attached letter setting forth names of Bureau personnel and their security clearance for entry to a U. S. Army facility which will provide equipment for destruction of technical equipment.

DETAILS:

A memorandum [REDACTED] to Mr. Cochran dated 9/15/76 recommended use of equipment at a local army facility to destroy excess Bureau technical equipment, copy attached, which was approved.

The army has advised that they will require a letter setting forth the Security clearances of FBI personnel who will participate in these destruction procedures.

Attached letter, in response to this request, lists Bureau personnel involved in this project as well as their clearances.

RECOMMENDATION:

That attached letter to the Army Security Detail at Harry Diamond Laboratories, 2800 Powder Mill Road, Adelphi, Maryland, 20793, showing security clearance for Bureau personnel involved in this project be approved.

ENCLOSURE

enc.

- 1 - Mr. McDermott
- 1 - Mr. Bassett
(Attn: [REDACTED])
(Attn: [REDACTED])
- 1 - Mr. Gleason

- 1 - Mr. Cochran
- 1 - [REDACTED]
- 1 - Mr. Campbell
- 1 - Mr. Davis
- 1 - [REDACTED]

WGS:dk

(9)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:

- Adm. Serv.
- Crim. Inv.
- Ident.
- Insp.
- Intell.
- Lab.
- Legal Coun.
- Plan. & Eval.
- Rec. Mgnt.
- Spec. Inv.
- Training
- Telephone Rm.
- Director Sec'y

ORIGINAL FILED IN

b6
b7C

NOT RECORDED

JAN 3 1980

b6
b7C

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cochran

DATE: 9/16/76

FROM :

b6

b7C

SUBJECT: EXCESS TECHNICAL EQUIPMENT-
CONFIDENTIAL DISPOSAL

Concerning captioned matter there are attached 21 pages of the G-59 surplus property form setting forth equipment that is excess to the needs of the Radio Engineering Section. Because of the sensitive nature of these items they must be disposed of in a confidential manner. In this connection it has been determined that the United States Army has available machinery which will destroy this type of material. It would appear that this could be an acceptable method for handling this matter.

The disposal of this equipment must occur as soon as possible inasmuch as the space i.e. 1B036, 1B038, and 1B039 being used for its storage is scheduled for major construction beginning soon after 9/23/76.

RECOMMENDATION:

1. That equipment listed, on attached forms, be destroyed by use of United States Army facilities, providing an on sight inspection by personnel of Administrative Services Division and Laboratory confirm acceptability of destruction procedures.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 100290 BCE/DCG/jmw

1 - Administrative Services Division

1 - Mr. Cochran

1 - Mr. Gleason

1 - [Redacted]

SEE ADDENDUM PROPERTY PROCE. EMITTING
MANAGEMENT SECTION DATED 10/1/76.



(C)

CONTINUED OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURE

66-3286-

b6

b7C

Memorandum to Mr. C. C. ...
BUSINESS TECHNICAL ...

2. In the event recommendation #1 is not accepted,
Administrative Services Division will provide an alternative
method.

WST

ADVISOR
ADVISOR
ADVISOR
ADVISOR
ADVISOR

ADVISOR
ADVISOR
ADVISOR

88

ADDENDUM PROPERTY PROCUREMENT & MANAGEMENT SECTION

b6

b7c

GSM/lab:sam 10/14/76

Reference is made to memorandum from [redacted] to Mr. Cochran dated 9/16/76 captioned "Excess Technical Equipment - Confidential Disposal." Regulations regarding destruction of equipment are mentioned in Federal Property Regulations Subpart 101-45.5; U. S. Code, Titles 18 and 44, Sections 2512 and 3301-3314; Code of Federal Regulations (CFR), Title 28, Subpart M and Section 17.74-17.77. All of these regulations have been reviewed and the matter has been discussed with [redacted] Office of Management and Finance, Department of Justice. This Section feels that we are proper in destroying property in question.

The United States Army facilities can provide the necessary equipment to destroy this property. The Laboratory has advised they have personnel that can witness and sign for this destruction. The Property Procurement and Management Section also has personnel available to witness and sign for destruction. These signatures should appear on all originals of 0-50. It will be necessary to contact Printing and Space Management Section to arrange transportation. Recommend this request be approved and returned to this Section for handling in its entirety.

- 1 - [redacted] (Enc.)
1 - Laboratory Division (Enc.)

b6

b7c

Mr. Mohr

12/9/70

J. J. Casper

CONFIDENTIAL

DESTRUCTION OF
BUREAU PROPERTY

NEWSPAPER CLIPPINGS

SUGGESTION 352-71 SUBMITTED BY

MEXICO CITY OFFICE

CENRAL

b6

b7C

SYNOPSIS

Suggests foreign offices in order to conserve space and keep volume of files within manageable levels be authorized to destroy newspaper clippings when they are no longer needed. After the case Agent completes his file review and report or other communication to the Bureau, he could then indicate the clippings which could be destroyed. Until destruction, clippings could be retained by fastening them to a file back and placing them in a folder. If the clipping should be needed at a later date, it could be obtained from the morgue of the newspaper involved.

Domestic Intelligence Division recommended approval due to space limitation in these offices. Crime Records had no observations since it has no responsibility for the retention of this material. Training and Inspection Divisions have discussed this matter and feel a survey should be made of Bonn, Paris and Rome to obtain their opinions regarding such a procedure and if any pertinent problems would be involved.

RECOMMENDATION: That the attached letter be approved for forwarding to Bonn, Paris and Rome for their views and that final action with regard to the suggester be held in abeyance pending the results of the survey. His idea has been acknowledged by prior letter.

DECLASSIFIED BY AUC 60290 BCE/DCG/ymw
ON 9/23/63

#03-R0762

Classified by SP-4 elw/abw
Declassify on: OADR
4/29/82

NOT RECORDED
29 DEC 16 1970

Enclosure

①- Bufile 66-3286

1 - Bufile 64-4532

ML:das

(4)

DEC 11 1980 Bw

OCT 3 1980 LKD

CONTINUED - OVER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

CONFIDENTIAL

Memo Casper to Mohr
Re: Newspaper Clippings
Suggestion 852-71 Submitted by
 Mexico City Office

b6

b7C

DETAILS

~~CONFIDENTIAL~~

SUGGESTION: That foreign offices in order to conserve space and keep volume of files within manageable levels be authorized to destroy newspaper clippings when they are no longer needed. After a case Agent completes his file review and report or other communication to the SOG, he could then indicate the clippings which could be destroyed. Until destruction, clippings could be retained by fastening them to a file back and placing them in a folder. [Mexico City Office has previously been authorized to retain FD-306s (Cover Sheet for Informant Report or Material) in this manner.] If the clipping should be needed at a later date, it could be obtained from the morgue of the newspaper involved. (W)

CURRENT PRACTICE: The suggester states that at present, newspaper clippings are mounted, on paper, searched, indexed and serialized for the file. The majority of the newspaper clippings retained in this office are placed in "A" volumes of the substantive files. A review of the provisions of the Manual of Instructions, Manual of Rules and Regulations, Foreign Operations Policy Manual and FBI Handbook for Special Agents does not, according to the suggester, disclose regulations which would prohibit the proposed procedure. The Manual of Rules and Regulations, Part II, Section 3, page 15, permits destruction of police school newspaper clippings after two years.

ADVANTAGES: advises authority to destroy newspaper clippings on an accelerated basis, after they have served their purpose, would save a substantial amount of filing space. According to a survey of the Mexico City Office files, it is anticipated that one file cabinet would be saved by this procedure.

OBSERVATIONS: Legat Nischwitz, Mexico City, stated the idea appeared to have merit and should be considered there would certainly be a saving in clerical time involved.

Domestic Intelligence Division observed that it appeared newspaper clippings maintained after an investigation has been completed only serve to take up valuable space in Legat offices. Provided information in the clippings has been reported to the Bureau there appears no valid reason to maintain them beyond that time. As proposed by Mexico City, these clippings are available at a later date from

b6

b7C

~~CONFIDENTIAL~~

Memo Casper to Mohr

Re: Newspaper Clippings

Suggestion 352-71 Submitted by

[redacted] Mexico City Office

b6

b7c

newspaper morgues and could be obtained if the need arises. As a spacesaving measure, this Division recommended the idea receive favorable consideration.

Crime Records Division stated it is responsible for initial distribution of newspaper clippings from the field. It has no responsibilities concerning the retention of clippings in the field and has no pertinent observations for this suggestion.

Training Division has discussed this procedure with the Inspection Division and it has been decided the views of these foreign offices should be obtained to ascertain how they are handling these clippings at the present time, the amount involved, and the procedures in effect. When these replies are received, we will have a better idea of the problems involved with respect to certain aspects of this suggested system.

COPIES X

66-3286
LEGAT, Bonn

12-10-70

Director, FBI (66-1897)

NEWSPAPER CLIPPINGS
SUGGESTION MATTER
BUDED 1/4/71

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-92 BY SP4 ESW/jhk

A suggestion is under consideration at the Bureau whereby foreign offices would be authorized to destroy newspaper clippings when they are no longer needed in order to conserve space and keep the volume of files within manageable levels. When a case Agent completes his file review and report or other communication to the Bureau, he could then indicate the clippings which could be destroyed. Until destruction, clippings could be retained by fastening them to a file back and placing them in a folder. If the clipping should be needed at a later date, it could be obtained from the morgue of the newspaper involved.

You are requested to advise the procedures in this regard now in use in your office. Are newspaper clippings mounted, searched, indexed and serialized for the substantive file? If so, how would the proposed system affect accountability for this material. Would these clippings be considered work paper-type information which could be destroyed as proposed without the need for indexing and serializing them? If such a procedure were placed into effect, how much space would be saved in your office of assignment? You should forward your views and recommendations to the attention of the Suggestion Desk, Training Division, by the close of business January 4, 1971.

2 - Paris

2 - Rome

1 - Foreign Liaison Desk (route through for review)

1 - Bufile 66-3286

1 - Bufile 64-4532

ML:das

(11)

NOTE: Based on memorandum J. J. Casper to Mr. Mohr, ML:das, dated 12/9/70, re: Newspaper Clippings, Suggestion 352-71
Submitted by [redacted] Mexico City Office.

5 JAN 29 1971

1980 km

DUPLICATE YELLOW

b6

b7C

ORIGINAL FILED IN 66-1897-778

August 8, 1979

Honorable Edward R. Roybal
House of Representatives
Washington, D. C. 20515

DESTRUCTION OF BUREAU RECORD
GENERAL

Dear Congressman Roybal:

Your July 30th communication on behalf of your constituents, [redacted] has been received.

b6
b7C

With respect to the concern of your constituents, the disposition of all FBI records, regardless of their source, is carried out in strict accordance with the very specific provisions as set forth in Title 44, Chapter 33 of the United States Code, and in Title 41, Chapter 101-11 of the Code of Federal Regulations. We closely coordinate these matters with the National Archives and Records Service and have a comprehensive program in force to facilitate the destruction of obsolete material and the permanent retention of historically valuable records. The Code of Federal Regulations, cited above, requires that records no longer of current use be disposed of promptly. After the passage of appropriate time, those records deemed to have historical value, and thus preserved under the same citation, are transferred to the National Archives where they are available for research purposes.

Let me assure [redacted] that, as evidenced by the more than 19,000 final responses to Freedom of Information Act requests made last year alone, the FBI is committed to the principle of full disclosure of information to which the public has a right. At the same time, we wish to insure that legitimate law enforcement needs are protected and the proposals made to the Congress to modify the Freedom of Information Act address both these concerns.

b6
b7C

Your enclosure is being returned as requested.

Sincerely yours REC-5 66 3286-1327

William L. Bailey
Assistant Director

11 AUG 27 1979

Enclosure

1 - Los Angeles - Enclosures (2)

1 - Legal Liaison and Congressional Affairs Unit - Enclosures (2)

ESH:kms (5)

APPROVED:

Adm. Serv. _____
Crim. Inv. _____

Legal Coun. _____

Plan. & Insp. _____

Rec. Mgnt. _____

Tech. Servs. _____

Training _____

Public Affs. Off. _____

Ident. _____

Intell. _____

Laboratory _____

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone _____
Director's Sec'y _____

60 SEP 27 1979

MAIL ROOM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EFW/gmk

MAILED 11

AUG 3 1979

FBI

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bayse

DATE: 7/17/79

FROM : K. E. Joseph *KEJ*

SUBJECT: DESTRUCTION OF EXPENDABLE
PROPERTY

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

The purpose of this memorandum, which has been coordinated with Property Procurement and Management Section, is to establish policy to destroy purses, cases and stopwatches.

~~DESTRUCTION OF BUREAU PROPERTY~~
From time to time the above-mentioned items are returned in such condition that deems impossible to reissue. SA [] Unit Chief of the Explosive Unit, has expressed a need for some of these items in his training. Quantico requests permission to forward worn and/or damaged purses, cases and stopwatches to SA [] Explosive Unit, as needed.

b6
b7C

An FD-519 is attached.

RECOMMENDATION:

DE-22 66-3886-1328
That permission be granted to permit forwarding of 15 purses, 10 cases and one stopwatch to SA [] Unit Chief of the Explosive Unit, to be utilized in training.

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

NOT RECORDED

11 SEP 26 1979

b6
b7C

Enclosure

1 - []

LLI:jaf

(4)

ENCLOSURE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 ESW/gmk

BM
9-25-79

[Signature]

b6
b7C

59 SEP 16 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

REQUIREMENTS AND CERTIFICATION FOR CANNIBALIZATION AND DESTRUCTION OF EQUIPMENT

REQUIREMENTS

Cannibalization and destruction of equipment for the purpose of obtaining parts to repair a like item is permitted after Bureau authority is granted and when all of the following conditions are met:

1. Repair of the broken or worn parts is not possible.
2. Required parts are not available from other units previously cannibalized.
3. Required parts are not available from Government excess. (Government excess means any personal property under the control of any Federal Agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.)
4. The parts are not available from commercial or Government supply sources or it is not practical to obtain the required parts from commercial sources because of obsolescence, excessive price or extraordinary leadtimes.
5. The benefit realized from cannibalization exceeds the estimated trade-in or sale value of the unit being considered for cannibalization.
6. A signed statement, approved by a reviewing official, indicating the actions taken to verify the above conditions is made part of the file supporting the removal of the cannibalized item from property records, and such information is made available upon request, to General Accounting Office and Departmental auditors.

CERTIFICATION

The conditions, as set forth above, have been met to the best of my knowledge with regard to the equipment listed on the attached memorandum and/or FD-500, dated _____. This equipment should therefore be removed from inventory and the parts will be used for the repair and maintenance of similar equipment.

Name _____

Position Title Property Custodian

Office Training Division

Date 7/17/79

Reviewed By _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EJM/TM

663286-1328
ENCLOSURE

b6

b7C

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Bailey *WLB/pmk*

DATE: 8/31/79

FROM : P. L. Andrews *WLB*

SUBJECT: FILE DESTRUCTION
CIVIL ACTION CASES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-92 BY SP4 E2W/gmk

Asst. Dir. _____
Adm. Serv. _____
Ident. _____
Insp. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Serv. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

0 DESTRUCTION OF BUREAU RECORDS
GENERAL

PURPOSE:

The purpose of this memorandum is to provide data regarding pending litigation cases for record purposes.

DETAILS:

Pursuant to the Attorney General's instructions of 6/6/77 that all files related to pending litigation must be preserved, Legal Counsel Division has provided Records Management Division (RMD) with pertinent information regarding pending civil litigation and Freedom of Information and Privacy Acts litigation cases. RMD has subsequently provided this information to field offices and Legal Attaches for appropriate searching and identification. A similar process is conducted at Headquarters.

To insure that all pertinent subjects related to the cases are duly recorded, two individual attachments which have previously been forwarded for searching and retention purposes are attached herewith for record processing.

RECOMMENDATION:

None. For record purposes.

197-122

Enclosures

- 1 - Mr. Andrews
- 1 - Mr. Bailey (Admin.)
- 1 -

CMG:evp
(4)



66 SEP 14 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

APPROVED:

Director _____
Asst. Dir. _____
Ident. _____
Insp. _____
Intell. _____

Adm. Serv. _____
Crim. Inv. _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. *WLB/TA*
Tech. Serv. _____
Training _____

66-3286-
NOT RECORDED
100 SEP 12 1979

b6
b7C

ORIGINAL FILED IN 197-122-661

b6

b7C

August 22, 1979

FBI Director William Webster
Federal Bureau of Investigation
Washington, D.C. 20520

OUTSIDE SOURCE

Dear Sir:

I am quite disturbed that the FBI is destroying the files of citizens who have been involved in different organizations and in various causes not to the government's liking.

The Freedom of Information Act of 1966 (strengthened in 1974) makes it possible for citizens to request their files. The FBI has used all sorts of delaying tactics to prevent these people from receiving their files. Now the FBI is destroying files that are more than five years old, although refusing to send files under ten years to those who request them.

These files are part of our national resources. I urge you to halt the further destruction of these files.

I should like to know what action you are taking in this matter.

Sincerely yours,

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-29-92 BY SP4 EFW/gtk

ACK
9/11/79
MB:KMS/jmk

64 NOV 14 1979

EX-109
REC-65

66-3286-1328X

SEP 21 1979

CORRESPONDENCE

S. I. HAYAKAWA
CALIFORNIA

GENE PRAT, PH. D.
ADMINISTRATIVE ASSISTANT

United States Senate

WASHINGTON, D.C. 20510

September 5, 1979

COMMITTEES:
AGRICULTURE, NUTRITION,
AND FORESTRY
FOREIGN RELATIONS
SMALL BUSINESS

Federal Bureau of Investigation
Congressional Affairs
J. Edgar Hoover Building
9th and Pennsylvania Ave. NW
Washington, D.C. 20535

Gentlemen:

Destruction of Bureau

Enclosed is a copy of correspondence *Property - Bureau*

received from [redacted] I would appreciate
any information you could provide regarding this
matter. [redacted]

b6

b7C

Please forward your reply, in duplicate, to
the attention of my staff assistant, [redacted]
[redacted] Room 6217, Dirksen Senate Office Building,
Washington, D.C. 20510.

b6

b7C

Sincerely,

Sam Hayakawa

S. I. Hayakawa

REC-109

SIH/mp
Enclosure

V-71

EX-109
DE-48

66-3286-1329

1- ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

2 SEP 20 1979

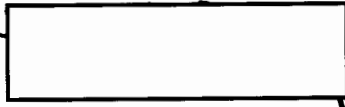
DATE 9-28-92 BY SP4 E2W/glt

ACK
9-18-79
NBjme

64 OCT 12 1979



9-3



b6
b7C

Dear Senator Hayakawa

We urgently urge you to use the necessary time/effort to defeat the FBI from any destruction of the Freedom of Information data

Please consider this action as one of your top priorities

Thank you

Sincerely,



b6
b7C

5-3-79

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E2W/gmc

66-3286-1329

ENCLOSURE

September 18, 1979

b6

b7C

Honorable S. I. Hayakawa
United States Senate
Washington, D. C. 20510

FEDERAL GOVERNMENT

Destruction of Bureau Property

Dear Senator Hayakawa:

Your communication of September 5th on behalf
of [redacted] has been received.

General

With respect to [redacted] concern, the FBI's file destruction policy is a matter of record and has the approval of the Archivist of the United States. The specific provisions are set forth in Title 44, Chapter 33 of the United States Code, and in Title 41, Chapter 101-11 of the Code of Federal Regulations. We closely coordinate these matters with the National Archives and Records Service and have a comprehensive program in force to facilitate the destruction of obsolete material and the permanent retention of historically valuable records. The Code of Federal Regulations cited above, requires that records no longer of current use be disposed of promptly. After the passage of appropriate time, those records deemed to have historical value, and thus preserved under the same citation, are transferred to the National Archives where they are available for research purposes.

b6

b7C

We are not destroying files at the present time at FBI Headquarters, where most of our files are located. The files that we do want to destroy, for good, business management reasons, are in the field, and are largely copies of documents currently on file in FBI Headquarters.

I hope the above will be of assistance to you in responding to [redacted] I am returning your enclosure for your convenience.

b6

b7C

Sincerely yours,

William L. Bailey
Assistant Director

2 SEP 20 1979

Enclosure

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

1 - Los Angeles - Enclosures (2)
Long Legal Liaison and Congressional Affairs Unit - Enclosures (2)
NOTE: Bufiles contain nothing identifiable with [redacted]
NB:jmh (7) Reply previously discussed with SA P. L. Andrews, Records Management Division.

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-21-82 BY SP4 EIZW/gm

MAILED 8

SEP 18 1979

FBI

Public Affs. Off.
Telephone Rm.
Director's Sec'y

MAIL ROOM

WLB/PRM

FEDERAL GOVERNMENT

HOUSE OF REPRESENTATIVES, U.S.
WASHINGTON, D.C.

September 10, 1979

Respectfully referred to

Director William H. Webster
Federal Bureau of Investigation
Washington, D. C. 20535

The Congressman would appreciate
your comments regarding the con-
stituent's concerns, particularly
the allegation that the FBI has
"begun to destroy files that are
not more than five years old."

Thank you for your assistance.



Very respectfully,

Gerry E. Studts

M.C., 12th District. MA

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

FBI/DOJ

b6

b7C

REC-18

DE-55

SEP 21 1979

ENCLOSURE

59 OCT 18 1979

59 OCT 18 1979

DESTRUCTION OF BUREAU RECORDS

2

4/1/80

9-21-79
original
enclosed
returned
V-77

b6

b7C

[REDACTED]
August 22, 1979

The Honorable Gerry E. Studds
1511 Longworth House Office Building
Washington, D.C. 20515

Dear Gerry:

I understand that the Freedom of Information Act, passed in 1966 and strengthened in 1974, is presently under attack, that the FBI does not wish to release files until they are ten years old--and yet has begun to destroy files that are not more than five years old.

The Freedom of Information Act has made it possible for citizens who have been active in many organizations and for many causes to find out just how the government has tried to interfere with their constitutional rights.

The Freedom of Information should be strengthened even further. The FBI must turn files over to citizens who request them without using all sorts of delaying tactics.

I should appreciate hearing from you when you get back to Congress on this matter. I know that you are always forthright in responding to questions and letters from your constituents.

Sincerely yours,

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-28-92 BY SP4 E2W/34K

ENCLOSURE

66-3286 -

1331

September 21, 1979

FEDERAL GOVERNMENT

Honorable Gerry E. Studds
House of Representatives
Washington, D. C. 20515

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E1W/gmk

Dear Congressman Studds:

Your communication of September 10th, enclosing
the attached correspondence from [redacted]
has been received. For your information, the FBI received
a similar letter from her, and I am enclosing a copy of
my reply. DESTRUCTION OF BUREAU RECORDS - GEN. M.

Sincerely yours,

William L. Bailey
Assistant Director

Enclosures (2)
Correspondent's enclosure
Copy of Assistant Director Bailey's letter to [redacted]
dated 9-11-79
- Boston - Enclosures (3)
- Legal Liaison and Congressional Affairs Unit - Enclosures (3)

NOTE: The only reference in Bufiles concerning [redacted]
is our letter to her dated 9-11-79.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director _____

CAM:rfrw (7)

REC-18

EX-109

SEP 21 1979

50067-181079 ROOM 14

FBI/DOJ

Assistant Attorney General
for Administration
Office of Management and Finance

October 2, 1979

Assistant Director
Records Management Division

**DISPOSITION OF CONTROLLED SUBSTANCES
ACT NONPUBLIC RECORDS**

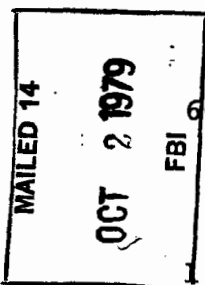
FEDERAL GOVERNMENT

DESTRUCTION OF BUREAU RECORDS

This is in response to letter dated September 12, 1979, from Vincent A. Lobisco, Assistant Director, Records Management, Administrative Programs Management Staff/OMP, which enclosed the proposed disposition schedule for nonpublic records maintained pursuant to the Controlled Substances Act, 21 U.S.C. 844(b)(1).

The proposed disposition schedule has been reviewed and this Bureau concurs with the contents and proposed retention periods.

NOTE: The proposed schedule provides a retention period of 50 years after expiration of term of probation for fingerprint or nonpublic records which are forwarded to and maintained within the Department. We are providing the Department our concurrence. This matter has been coordinated with the Identification Division. Copies of referenced letter and proposed schedule are attached.



66-3286

APPROVED:

Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. WLB/PA
Tech. Servs. _____
Training _____
Public Affs. Off. _____

- 1 - Mr. Mintz
(Attn: Mr. Peterson)
1 - Mr. Stames
(Attn: _____)
1 - Mr. Andrews
1 - Mr. Bailey (Admin.)

Assoc. AD _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

CMG:km

(8)

163 OCT 12 1979

ENCLOSURE

MAIL ROOM

REC-124

OCT 9 1979

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EFW/gld

b6

b7c

UNITED STATES GOVERNMENT

Memorandum

TO : See List Below *Vincent A. Lofusco*
FROM : Vincent A. Lofusco, Assistant Director
Records Management
Administrative Programs Management Staff/OMF
SUBJECT: Disposition of Controlled Substances Act Nonpublic Records

DATE: SEP 12 1979

Attached is a proposed disposition schedule for nonpublic records maintained pursuant to the Controlled Substances Act, 21 U.S.C. 844(b)(1), and Department of Justice Order 2710.7B, Recordkeeping and the Controlled Substances Act, dated August 12, 1976.

This schedule will apply to nonpublic records maintained by the United States Attorney offices, both headquarters and field offices of the Criminal Division, the Drug Enforcement Administration, the Federal Bureau of Investigation and the United States Marshals Service, as well as the Office of Management and Finance (OMF).

Your concurrence and/or comment is requested prior to our routing of the proposed schedule to the National Archives and Records Service for final approval. Please respond to this office by COB September 28, 1979. Questions on this subject may be referred to Robert M. Yahn, Chief, Records Maintenance and Disposition Section, Records Management Group, at [redacted] b2

Attachment

Addressees:

James Muskett, Director, Office of Administration, Criminal Division
[redacted] Records Management Section, Management Analysis Division, DEA
Francis H. Mallgrave, Assistant Director for Management, EOUSA
[redacted] Records Management Division, FBI
George Kondos, Acting Director, Systems Design and Development Staff, OMF
[redacted] Administrative Services Division, USMS b6 b7C

cat
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCS/ymw
ack
10/2/79
cmg:dm

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-92 BY SP4 EJM/gmk

66 3286

1333

RECEIVED



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197
MAY 1978

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)
Department of Justice

2. MAJOR SUBDIVISION
Office of Management and Finance

3. MINOR SUBDIVISION
Administrative Programs Management Staff

4. NAME OF PERSON WITH WHOM TO CONFER

Robert M. Yahn

5. TEL. EXT.

LEAVE BLANK

JOB NO.

DATE RECEIVED

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.

Date _____ Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☐ A Request for immediate disposal.

☒ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE

D. SIGNATURE OF AGENCY REPRESENTATIVE

E. TITLE

Chief, Records Maintenance and
Disposition Section (APMS/OMF)

7.
ITEM NO.

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

9.
SAMPLE OR
JOB NO.

10.
ACTION TAKEN

Controlled Substances Act - Nonpublic Records

All recordation, including index or other docketing records, relating to a person's investigation, arrest, indictment or information, trial, finding of guilty and dismissal and discharge, pursuant to the Controlled Substances Act, Title 21, U.S.C., Section 844(b) as implemented by Department of Justice Order DOJ 2710.7B, and certified copies of court orders which require the retention of the above recordation as a nonpublic record. In the event that multiple subjects/defendants are contained in record material, only the recordation of the subject/defendant designated by a certified court order will be maintained as a nonpublic record. Recordation under this act includes that contained in U.S. Attorneys' offices; the caseload information reporting systems maintained by the Office of Management and Finance, Systems Design and Development Staff; and the records of the headquarters and field offices of the Criminal Division, the United States Marshals Service, the Federal Bureau of Investigation and the Drug Enforcement Administration.

The aforesaid nonpublic records are retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, a person qualifies for a dis-

66-3286-1333

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BOC/BSG/gmw

Request for Records Disposition Authority - Continuation

JOB NO.

PAGE OF
2 of 2

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>missal and discharge.</p> <p>Upon receipt of a certified copy of the court order of dismissal and discharge under 21 U.S.C. Section 844(b)(1), the FBI shall forward the FBI fingerprint card to the Office of Management and Finance, Administrative Programs Management Staff, Records Management Group.</p> <p>1. Nonpublic files maintained by the Office of Management and Finance, Administrative Programs Management Staff, Records Management Group. Disposition: Destroy 50 years after expiration of term of probation.</p> <p>2. All other nonpublic files Disposition: Destroy 3 years after expiration of term of probation.</p>		

115-203

Four copies, including original, to be submitted to the National Archives

STANDARD FORM 115-A
Revised July 1974
Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4

GPO : 1975 O - 570-387

September 11, 1979

OUTSIDE SOURCE

b6

b7C

Dear [REDACTED]

Judge Webster has received your August 22nd letter concerning the Freedom of Information Act (FOIA) and the FBI's policy on destruction of files and he has asked me to respond to you.

Bureau Records - General

Your concern appears to be prompted by the FBI's proposed moratorium on the release of certain files under the Freedom of Information Act, which was included in Judge Webster's proposals submitted to Congressional oversight committees at their request. These proposals are designed to refine the Act, not repeal it. In an effort to explain the basis of the proposed moratorium, it must be realized that the FBI must rely on public confidence and cooperation in order to function effectively as an investigative agency. It is, therefore, a matter of utmost importance that we maintain a confidential relationship with informants and others who do not wish to be identified as sources of information. To underscore the value of informants, for example, last year we obtained over 2,600 convictions and had over \$200 million in recoveries as a result of information provided by informants.

We have found, however, that because of their fear of disclosure under the FOIA, many informants, as well as ordinary citizens, are reluctant to provide information crucial to the solution of crimes. Therefore, we have proposed a seven-year moratorium on the disclosure of the contents of investigative files compiled for law enforcement purposes so that we can minimize the risk to those who provide information to the FBI. There would be obvious exceptions to the proposed moratorium, perhaps in cases of national interest or in instances when sufficient cause for waiver could be demonstrated.

SEE NOTE PAGE TWO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-26-92 BY SP4 E2W/ghk

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

NB:kms (3)

jmh

jmh

9/1

WTS

9/1

9/1

9/1

9/1

NOV 14 1979

MAIL ROOM

MAILED 8
SEP 11 1979
FBI

SEP 12 1979

[REDACTED]

Our proposal also provides that FBI records be divided into two categories. Our most sensitive information, that pertaining to foreign intelligence, foreign counterintelligence, organized crime and terrorism would be exempt from mandatory disclosure under the FOIA, but would be governed by Title 28, Code of Federal Regulations, Section 50.8, which provides for access to files over 15 years old and of historical interest. All other FBI records would fall within category two and be subject to the FOIA's mandatory disclosure provisions.

Let me assure you that the FBI will not use the moratorium in concert with a file destruction program to frustrate the FOIA. Our records management program, which includes the destruction of files, is conducted in strict compliance with Title 44, Chapter 33, of the U. S. Code; Title 41, Chapter 101-11, of the Code of Federal Regulations; and guidelines closely coordinated with National Archives and Records Service. We are not destroying files at the present time at FBI Headquarters, where most of our files are located. The files that we do want to destroy, for good business management reasons, are in the field, and are largely copies of documents currently on file in FBI Headquarters.

In closing, let me assure you that, as evidenced by the more than 19,000 final responses to FOIA requests made last year alone, the FBI is committed to the principle of full disclosure of information to which the public has a right. At the same time, we wish to insure that legitimate law enforcement needs are protected. These requests are handled on a first-come, first-served basis and I can assure you we do not use delaying tactics. Before we release material, it must be given a line-by-line review and this is a very time-consuming procedure. We are continuing to work with the Department of Justice on legislative proposals being drafted by that Department for submission to Congress.

Sincerely yours,

(S)
William L. Bailey
Assistant Director

NOTE: Bufiles contain nothing identifiable with correspondent.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Bailey *B*

DATE: 11/19/79

FROM : P. L. Andrews *PLA*

SUBJECT: *General*
Andrews
DESTRUCTION OF BUREAU RECORDS

PURPOSE:

The purpose of this memorandum is to recommend a solution to an undesirable situation which currently exists in the 66 classification relating to the previously-maintained "Alphabetical Administrative Files."

DETAILS:

The 66 classification currently contains file charge-outs (copies attached) bearing the legends "THIS FILE PERTAINS TO FBI ADMINISTRATIVE MATTERS AND IS FILED IN THE ALPHABETICAL SECTION BY NAME" and "THESE FILES PERTAIN TO ADMINISTRATIVE MATTERS AND HAVE BEEN CONSOLIDATED INTO PERSONNEL FILES." The Alphabetical Section is no longer in existence and positive attempts should be made to completely remove these guides from the files since they have created confusion and wasted effort over a 25-year period.

According to a memorandum for Mr. Hoover, dated 5/23/72, [redacted] noted that the "Administrative Files" consisted of 748 separate jackets pertaining to FBI personnel or field offices and included correspondence related to travel, space, transfer and leave matters. F. W. Waikart

ENCLOSURE *me*
Enclosures (7)

66-3286

- 1 - 67-043
- 1 - [redacted]
- 1 - Mr. O'Rourke
- 1 - Mr. Scherrer
- 1 - [redacted]
- 1 - Mr. Hogan
- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews
- 1 - [redacted]

CMG:kal

(10)



57 NOV 21 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

66-3286-1335
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-7-82 BY SP-4 *SP-4*

16 NOV 21 1979

b6
b7C

b6
b7C

b6
b7C

FBI/DOJ

Memo Andrews to Bailey
RE: DESTRUCTION OF BUREAU RECORDS

b6

b7C

memorandum to Mr. Nichols, dated 1/11/51, approved the destruction of Numbering Unit abstracts to the Administrative Files since the practice of preparing the abstracts was discontinued in 1941. [redacted] memorandum to Mr. Nichols dated 11/23/56, approved the destruction of the "Alphabetical Administrative Files," with the exception of certain categories which would be integrated into the Official Personnel Folder (OPF). Copies of these memoranda are attached.

It appears that all factors of this integration/destruction process was methodically documented and handled, with the exception of the related index card(s) which leads the file-reviewer to the above described charge-outs.

In order to remove the related index cards from the General Index, the above-described charge-outs will be replaced with permanent "DESTROYED" charge-outs by authority of this memorandum and the attached listing of file numbers will provide guidance to the various units having access to the files and General Index. Due to the age of the cards, they should be confined to the "Inactive" index and, when encountered, should be removed and forwarded to the Index Unit for destruction.

Since records of a temporary nature have been destroyed and permanent records have been integrated into the OPF, no special authorization will be required for the disposal of the index cards. Material of relevance will be accessible through the OPF and related index cards.

RECOMMENDATION

That temporary charge-outs and index cards for "Administrative Files" be removed from the General Index and replaced and/or destroyed as outlined above.

APPROVED:

PA
Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

~~CLASSIFIED~~ INFORMATION ENCLOSED

DECLASSIFIED BY AUC 60290 BCL/bas/jm
ON 9/23/03

239

ENCLOSURE

66-3286-1335



Department of Justice,
Bureau of Investigation,
Washington, D. C.

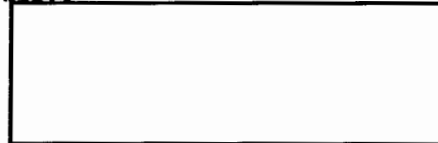
May 23, 1922.

Memorandum for Mr. Hoover.

The "Administrative Files" at present consist of 748 separate jackets, the subjects being an agent, an accountant, a clerk in a field office, or a field office. The material in these files is correspondence with regard to transportation requests, vouchers, office space, postoffice boxes, leaves of absence, fixing of headquarters, permission to leave headquarters, telephone bills, telegraph bills, auto hire bills, ice and laundry bills, requests for supplies, and letters transferring agents from one office to another.

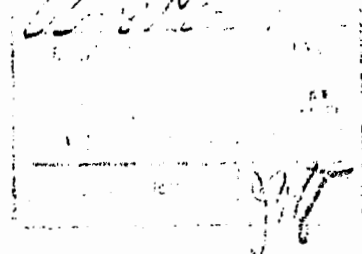
The work incident to filing this material is exactly the same as for other correspondence. The letters must be read, numbered and recorded. This class of work is not heavy, only three and one-half drawers in a steel filing cabinet being sufficient to hold them.

Respectfully,



b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCF/DCG/jmw



Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. NICHOLS

FROM : F. W. WAIKAR

SUBJECT: DESTRUCTION OF NUMBERING UNIT ABSTRACTS
PERTAINING TO ADMINISTRATIVE FILES

DATE: 1-11-51

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

An inspection of the abstracts of the 66 classification shows that considerable space in that classification is taken up with abstracts of the Agents' and employees' administrative files. The policy apparently changed in 1941 and alphabetical files were used thereafter and no abstracts made. The present administrative material for Agents is filed in alphabetical folders while administrative material for clerks goes into their personnel files.

[redacted] supervisor of the Numbering Unit, advises that these abstracts are rarely if ever referred to. At this date even the files sections they represent are quite inactive. Destruction of these abstracts would do no possible harm to our service to the Bureau and should provide at least two more cabinets for further expansion in the 66's. Room is needed particularly for the new files being opened on confidential informants.

b6

b7C

If approved the Numbering Unit could readily carry out this destruction through careful inspection of the abstracts and the subject matter thereon, and thus insure that no other type of 66 abstract is destroyed since the employees' files are interspersed with other types.

It is clear that Bureau policy of long standing is not to destroy Bureau abstracts. However, it is believed that making exception of this material would cause no future difficulties and on the contrary it would have distinct advantages.

RECOMMENDATION:

That the abstracts in the Numbering Unit representing material in old administrative files, which abstracts were discontinued in 1941, be removed and destroyed.

WMM:nle

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-28-83 BY SP-4 EFW

RECORDED - 53

INDEXED - 53

EX-71

UNRECORDED COPY FILED

66-161 through 167
66-169 through 170
66-173
66-175
66-233 through 235
66-272 through 275
66-290 through 297
66-299 through 300
66-302 through 304
66-306 through 309
66-311 through 312
66-314 through 331
66-349 through 352
66-362
66-366
66-372 through 394
66-396 through 399
66-501 through 505
66-508 through 510
66-517 through 520
66-522 through 524
66-526 through 535
66-537
66-539 through 544
66-552 through 556
66-559 through 564
66-566 through 567
66-569
66-571
66-573 through 574
66-576 through 578
66-581 through 582
66-625 through 628
66-651 through 657
66-659 through 668
66-683 through 708
66-710 through 729
66-743 through 744
66-746 through 747
66-449 through 764
66-766 through 772
66-779
66-785
66-787
66-789
66-791
66-793 through 795

66-798 through 800
66-804
66-806 through 812
66-814 through 817
66-821 through 824
66-826 through 827
66-829 through 838
66-840 Sub 1
66-819
66-842 through 843
66-845
66-847 through 849
66-852 through 853
66-855
66-858 through 870
66-871 through 877
66-879 through 881
66-883 through 886
66-893 through 897
66-899
66-901 through 902
66-969
66-994
66-996
66-998 through 999
66-1008 through 1020
66-1022
66-1024 through 1025
66-1027
66-1029 through 1030
66-1032 through 1033
66-1035 through 1043
66-1058 through 1059
66-1061 through 1064
66-1066 through 1067
66-1070 through 1072
66-1074
66-1076 through 1079
66-1088 through 1089
66-1091 through 1092
66-1094
66-1096 through 1098
66-1100 through 1102
66-1104
66-1104 Sub 1
66-1105
66-1106 Sec 1

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-28-83 BY SP4 ELL

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

66-1106 Sec 2
66-1106 Sub 1
66-1108
66-1111 through 1117
66-1119 Sec 1 and 2
66-1125 through 1126
66-1128 through 1129
66-1131
66-1133 through 1134
66-1137
66-1139 through 1148
66-1153 through 1156
66-1163
66-1165
66-1167 through 1168
66-1170
66-1172 through 1176
66-1188
66-1190 through 1191
66-1193 through 1197
66-1199
66-1201 through 1210
66-1212 through 1213
66-1216
66-1218 through 1220
66-1233 through 1234
66-1237
66-1240 through 1242
66-1245
66-1248 through 1249
66-1251 through 1261
66-1263 through 1275
66-1277 through 1280
66-1283 through 1284
66-1286 through 1292
66-1294 through 1295
66-1297 through 1306
66-1308 through 1311
66-1313 through 1315
66-1319 through 1324
66-1327 through 1340
66-1342
66-1344 through 1356
66-1358 through 1360
66-1362 through 1363
66-1365 through 1370

66-1389
66-1426
66-1426 Sub 1
66-1435 through 1441
66-1468 through 1484
66-1491 through 1498
66-1502
66-1522 through 1527
66-1535
66-1537
66-1539
66-1541 through 1550
66-1552 through 1556
66-1558
66-1560
66-1576 through 1591
66-1593 through 1597
66-1601 through 1605
66-1607 through 1614
66-1617
66-1632 through 1633
66-1635 through 1636
66-1638 through 1639
66-1642 through 1650
66-1652 through 1659
66-1661 through 1662
66-1671 through 1672
66-1674 through 1688
66-1690 Sec 1 and 2
66-1692 through 1717
66-1719 through 1722
66-1724 through 1730
66-1732 through 1738
66-1740 through 1747
66-1749 through 1751
66-1753 through 1755
66-1757 through 1800
66-1805 through 1811
66-1813 through 1825
66-1827 through 1853
66-1856 through 1857
66-1860 through 1885
66-1890 through 1896
66-1899 through 1906
66-1908 through 1926
66-1928 through 1930

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

66-1967 through 1972
66-1981 through 1985
66-1987
66-1999
66-2016
66-2019 through 2020
66-2022 through 2040
66-2042 through 2044
66-2048 through 2057
66-2066 through 2067
66-2084
66-2089 through 2090
66-2091 through 2093
66-2103
66-2104 through 2108
66-2110 through 2114
66-2117 through 2118
66-2122 through 2124
66-2126 through 2129
66-2135 through 2137
66-2139
66-2142
66-2143
66-2145
66-2147 through 2153
66-2156
66-2157 through 2159
66-2168
66-2171
66-2174
66-2176 through 2180
66-2186 through 2188
66-2192
66-2196 through 2197
66-2199
66-2201 through 2202
66-2204 through 2215
66-2220
66-2222
66-2224 through 2236
66-2253
66-2258
66-2259 through 2264
66-2265 through 2266

66-2268 through 2269
66-2272 through 2276
66-2278
66-2283 Sec 1
66-2283 Sec 2
66-2292
66-2293 Sec 1
66-2293 Sec 2
66-2293 Sub 1
66-2297
66-2301
66-2303 through 2304
66-2307 through 2313
66-2321 through 2322
66-2325 through 2329
66-2332
66-2334
66-2335 Sec 1
66-2335 Sec 2
66-2335 Sec 3
66-2338 through 2339
66-2346
66-2355 through 2360
66-2372 through 2375
66-2377 through 2387
66-2390 through 2392
66-2395 through 2396
66-2405
66-2408 through 2417
66-2418 through 2419
66-2424 through 2426
66-2429 through 2433
66-2436 through 2437
66-2439 through 2442
66-2444
66-2483
66-2488 through 2492
66-2494 through 2499
66-2508 through 2513
66-2517 through 2520
66-2522
66-2524
66-2528 through 2537
66-2545 through 2547

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

66-2559	66-2888 through 2893
66-2561	66-2895 through 2899
66-2563 through 2567	66-2916 through 2920
66-2570 through 2587	66-2922 through 2925
66-2589	66-2929 through 2944
66-2591 through 2597	66-2946 through 2949
66-2615	66-2951
66-2617 through 2620	66-2953 through 2957
66-2631	66-2963
66-2633 through 2634	66-2966 through 2967
66-2641 through 2651	66-2969
66-2654 through 2657	66-2971 through 2991
66-2660 through 2661	66-2993
66-2663	66-2996
66-2665 through 2668	66-3002
66-2681 through 2687	66-3007
66-2693	66-3009 through 3011
66-2696 through 2699	66-3013 through 3019
66-2701 through 2704	66-3021 through 3024
66-2706 through 2708	66-3026 through 3029
66-2710 through 2711	66-3036 through 3038
66-2714 through 2716	66-3043
66-2724	66-3045 through 3051
66-2738 through 2739	66-3054 through 3055
66-2745 through 2746	66-3059 through 3062
66-2748 through 2750	66-3064 through 3069
66-2752 through 2757	66-3071 through 3079
66-2766 through 2772	66-3081 through 3086
66-2774 through 2779	66-3089 through 3091
66-2781 through 2790	66-3094 through 3109
66-2794 through 2818	66-3111 through 3117
66-2820	66-3119
66-2822 through 2826	66-3129
66-2826 through 2829	66-3132 through 3133
66-2831 through 2837	66-3135
66-2839 through 2842	66-3139 through 3140
66-2844 through 2852	66-3142
66-2854 through 2836	66-3145 through 3153
66-2858 through 2864	66-3155 through 3158
66-2866	66-3162
66-2868 through 2870	66-3165 through 3170
66-2873 through 2874	66-3172 through 3174
66-2876 through 2877	66-3178 through 3179
66-2879	66-3186 through 3188
66-2881 through 2882	66-3191 through 3194
66-2885 through 2886	66-3196 through 3207

~~CONFIDENTIAL~~
-4-

~~CONFIDENTIAL~~

66-3210 through 3211
66-3213 through 3215
66-3217 through 3228
66-3232 through 3250
66-3254 through 3260
66-3268
66-3270 through 3272
66-3274
66-3276
66-3278 through 3279
66-3281 through 3285
66-3294
66-3296 through 3299
66-3302
66-3305 through 3309
66-3312
66-3314 through 3324
66-3326 through 3330
66-3332 through 3336
66-3340 through 3373
66-3375 through 3381
66-3383 through 3384
66-3386 through 3388
66-3397 through 3398
66-3400 through 3406
66-3408 through 3411
66-3413 through 3414
66-3416 through 3432
66-3435 through 3439
66-3447
66-3450 through 3452
66-3455 through 3458
66-3460
66-3462 through 3481
66-3486 through 3490
66-3493
66-3495 through 3496
66-3499 through 3502
66-3505 through 3514
66-3516 through 3517
66-3519 through 3528
66-3531
66-3533 through 3541
66-3543 through 3560
66-3562 through 3567
66-3570 through 3573

66-3575 through 3578
66-3582
66-3584 through 3585
66-3596 through 3607
66-3610 through 3611
66-3613
66-3615 through 3619
66-3621 through 3623
66-3626
66-3630 through 3641
66-3644
66-3646
66-3648
66-3653
66-3659
66-3673 through 3677
66-3681 through 3688
66-3690
66-3692
66-3697
66-3699
66-3702 through 3703
66-3706
66-3708 through 3712
66-3714 through 3715
66-3717 through 3726
66-3730 through 3734
66-3737 through 3738
66-3740
66-3744 through 3747
66-3749
66-3751 through 3753
66-3756 through 3759
66-3762 through 3763
66-3765 through 3772
66-3777
66-3781
66-3811 through 3912
66-3914 through 3917
66-3919 through 3934
66-3936 through 3940
66-3942 through 3943
66-3945
66-3947 through 3950
66-3953
66-3955 through 3961

~~CONFIDENTIAL~~

66-3963 through 3974	66-4740 through 4752
66-3976 through 3977	66-4753 through 4754
66-3979 through 3995	66-4756
66-3998 through 4026	66-4759
66-4028 through 4030	66-4761
66-4032 through 4036	66-4763 through 4787
66-4038 through 4049	66-4789
66-4051 through 4063	66-4791 through 4794
66-4065	66-4796 through 4801
66-4067 through 4098	66-4803 through 4808
66-4100 through 4129	66-4810 through 4832
66-4131 through 4135	66-4834 through 4850
66-4141 through 4142	66-4853 through 4863
66-4149	66-4868 through 4871
66-4152 through 4170	66-4873 through 4888
66-4172 through 4181	66-4890 through 4892
66-4183 through 4187	66-4894
66-4191 through 4202	66-4896 through 4902
66-4204 through 4231	66-4904 through 4908
66-4233	66-4911 through 4914
66-4236 through 4240	66-4915 through 4916
66-4242 through 4243	66-4918
66-4245 through 4252	66-4921 through 4923
66-4254 through 4299	66-4928 through 4929
66-4304 through 4307	66-4931 through 4932
66-4311 through 4350	66-4934 through 4951
66-4352 through 4371	66-4954 through 4977
66-4373 through 4376	66-4979
66-4379 through 4388	66-4981
66-4390 through 4406	66-4983
66-4408 through 4411	66-4991 through 4995
66-4414 through 4425	66-4997 through 4999
66-4427	66-5001 through 5022
66-4430	66-5024
66-4432 through 4502	66-5035 through 5051
66-4504 through 4557	66-5053 through 5075
66-4559 through 4600	66-5077 through 5080
66-4602 through 4622	66-5082 through 5083
66-4624	66-5085
66-4626 through 4667	66-5087 through 5096
66-4669 through 4680	66-5098
66-4683	66-5100 through 5112
66-4685 through 4699	66-5115 through 5118
66-4701	66-5120 through 5135
66-4703 through 4711	66-5137 through 5144
66-4713 through 4716	66-5146
66-4718 through 4738	66-5148 through 5162

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

66-5164 through 5184	66-5733 through 5744
66-5186 through 5225	66-5746
66-5227 through 5250	66-5749 through 5795
66-5252 through 5262	66-5797 through 5800
66-5264 through 5282	66-5802 through 5803
66-5284	66-5805 through 5808
66-5286 through 5294	66-5810 through 5813
66-5296 through 5302	66-5817 through 5819
66-5305	66-5821 through 5822
66-5307	66-5824
66-5309 through 5312	66-5834 through 5848
66-5315 through 5346	66-5850
66-5348 through 5357	66-5852
66-5359 through 5361	66-5854
66-5363	66-5856 through 5857
66-5365 through 5374	66-5861
66-5376 through 5381	66-5863 through 5889
66-5383 through 5394	66-5891 through 5913
66-5396 through 5398	66-5915 through 5974
66-5401 through 5402	66-5976
66-5404 through 5414	66-5979 through 5989
66-5417	66-5891 through 5996
66-5420	66-5998 through 5999
66-5422 through 5423	66-6001 through 6027
66-5425 through 5426	66-6030 through 6033
66-5431	66-6035 through 6048
66-5433 through 5435	66-6050 through 6054
66-5438	66-6056 through 6058
66-5440 through 5442	66-6062 through 6094
66-5444 through 5449	66-6096 through 6115
66-5451 through 5477	66-6118 through 6144
66-5479 through 5485	66-6146 through 6149
66-5487 through 5499	66-6151 through 6154
66-5501	66-6156 through 6163
66-5503 through 5505	66-6165 through 6168
66-5509 through 5446	66-6170 through 6199
66-5548 through 5563	66-6201 through 6204
66-5565 through 5568	66-6207
66-5570 through 5583	66-6209
66-5585 through 5605	66-6215
66-5607 through 5628	66-6217
66-5630 through 5682	66-6221 through 6223
66-5684 through 5689	66-6225
66-5692 through 5716	66-6228
66-5718 through 5720	66-6231
66-5722 through 5728	66-6234

~~CONFIDENTIAL~~

66-6236
66-6239
66-6241 through 6243
66-6245 through 6247
66-6250
55-6252
66-6254 through 6266
66-6269
66-6274
66-6276 through 6279
66-6281
66-6287 through 6288
66-6290 Sub 1
66-6291
66-6293 through 6295
66-6301
66-6303 through 6313
66-6316 through 6329
66-6331 through 6349
66-6351 through 6352
66-6355 through 6360
66-6370 through 6393
66-6395 through 6399
66-6401 through 6430
66-6432 through 6433
66-6435 through 6474
66-6476 through 6552
66-6554 through 6579
66-6581 through 6588
66-6590 through 6722
66-6725 through 6726
66-6751 through 6780
66-6782 through 6787
66-6789 through 6794
66-6796 through 6799
66-6805 through 6809
66-6851 through 6852
66-6854 through 6896
66-6898 through 6904
66-6906 through 6919
66-6921 through 6922
66-6924
66-6926 through 6947
66-6949
66-6951 through 6976

66-6978 through 6993
66-6996 through 7001
66-7003 through 7043
66-7045 through 7049
66-7051
66-7053 through 7054
66-7056 through 7111
66-7114 through 7128
66-7130
66-7132 through 7149
66-7151 through 7154
66-7159
66-7161 through 7164
66-7166
66-7168 through 7169
66-7171 through 7199
66-7201 through 7224
66-7227 through 7250
66-7252 through 7277
66-7295 through 7303
66-7305 through 7316
66-7318 through 7328
66-7330 through 7335
66-7337 through 7369
66-7371 through 7394
66-7400 through 7408
66-7410 through 7416
66-7418 through 7497
66-7499 through 7522
66-7524 through 7527
66-7530 through 7534
66-7536 through 7553
66-7557
66-7559 through 7570
66-7572 through 7599
66-7601 through 7605
66-7607 through 7609
66-7611 through 7650
66-7652 through 7653
66-7655 through 7671
66-7673 through 7685
66-7687 through 7694
66-7695 through 7717
66-7719 through 7770
66-7772 through 7776

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

66-7778 through 7803
66-7805 through 7807
66-7809 through 7813
66-7815 through 7826
66-7828
66-7832 through 7839
66-7841 through 7842
66-7844 through 7845
66-7848 through 7857
66-7860 through 7863
66-7865 through 7876
66-7877 through 7884
66-7886 through 7894
66-7895 through 7902
66-7904 through 7928
66-7930 through 7936
66-7938 through 7939
66-7941 through 7951
66-7953 through 7958
66-7960 through 7963
66-7965 through 7983
66-7985 through 7993
66-7995
66-7997 through 8017
66-8019 through 8032
66-8034 through 8053
66-8055 through 8077
66-8081 through 8111
66-8114 through 8122
66-8124
66-8126 through 8128
66-8130 through 8159
66-8164 through 8202
66-8204
66-8206 through 8210
66-8234 through 8237
66-8239 through 8240
66-8242
66-8244 through 8264
66-8267 through 8276
66-8278 through 8403
66-8415
66-8417
66-8602
66-8665 through 8699
66-8701 through 8719
66-8721 through 8848
66-8850 through 9329
66-9331 through 9334

66-9336 through 9339
66-9341 through 9501
66-9503 through 9644
66-9646 through 9680
66-9682 through 9763
66-9765
66-9767 through 10090
66-10092 through 10342
66-10344 through 10583
66-10586 through 10822
66-10824 through 10914
66-10916 through 10919
66-10921 through 11040
66-11042 through 11148
66-11150 through 11200
66-11202 through 11297
66-11299 through 11607
66-11609 through 12007
66-12009 through 12043
66-12045 through 12269
66-12272 through 12353
66-12354 through 12367
66-12369 through 12857
66-12861 through 13098
66-13100 through 13152
66-13154 through 13366
66-13368 through 13405
66-13408 through 13409
66-13411 through 13468
66-13470 through 13828
66-13830 through 14010
66-14012 through 14063
66-14075 through 14183
66-14187 through 14688
66-14699 through 14765
66-14767 through 14861
66-14863 through 14901
66-14976 through 15014
66-15055
66-15057 through 15119
66-15121 through 15179
66-15181 through 15457
66-15461 through 15742
66-15744 through 15808
66-15811 through 15852
66-15856 through 15913
66-15915
66-15918 through 16237
66-16239 through 16241

66-3286-1335

MR. TTA

b6

b7C

11-23-53

b6

b7C

~~CONFIDENTIAL~~

FROM :

SUBJECT:

ALPHABETICAL ADMINISTRATIVE FILES
PERSONNEL RECORDS UNIT
RECORDS BRANCH

As you know, all administrative types of mail relating to Bureau employees is now filed in the individual personnel files. Previously it was the practice to file this mail alphabetically by employee in separate individual files referred to as "alphabetical administrative files," however since 1946, this particular type of mail has been filed in the personnel files of clerical employees and since July 1, 1951, in the personnel files of Special Agents.

In 1952, we had 104 file cabinets containing an estimated 28,000 administrative files of which approximately 30,000 related to out-of-service personnel. On 12-31-52 the Executive Conference approved the destruction of all correspondence in the out-of-service administrative files with the exception of those categories of correspondence shown on the attached list (67-80002-525). The correspondence retained was integrated into the out-of-service personnel file.

At the present time, we have 24 4-drawer cabinets maintained in the Personnel Records Unit containing administrative types of mail dated prior to July 1, 1951, concerning in-service personnel. These files are very infrequently used, occupy valuable space and equipment which could be utilized to better advantage and in conformance with good records management procedures, it is proposed that consideration be given to the destruction of all material in these files with the exception of those categories shown on the attached list. The material which should be retained will be integrated into the employee's personnel file.

Archival authority is not necessary to destroy this type of material.

Personnel are not available at the present time to perform this operation; however, if the recommendation is approved, it will be done as soon as personnel are available.

RECOMMENDATION:

RECORDED - 45

2 DEC 17 1956

That all correspondence retained in the "alphabetical administrative files" on in-service employees be destroyed with the exception

ENCLOSURE

DATE OF REVIEW

~~CONFIDENTIAL~~

DECLASSIFIED ON

BY SP-4 EFW

CLASS. & EXT. BY SP-4 EFW
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 4-28-91

67-80000-1954

FEDERAL BUREAU OF INVESTIGATION

(Continued page 2)

CLASSIFYING

~~CONFIDENTIAL~~

Memo to Mr. Nichols
Re: Alphabetical Administrative Files -
Personnel Records Unit
Records Branch

11-29-53

RECOMMENDATION: (continued)

of these categories shown on the attached list. (This is similar procedure which was applied to the alphabetical administrative file on out-of-service employees in 1952). If approved, this will be done when personnel becomes available.

mm

12-4-56
ADDENDUM

This has been discussed with the Administrative Division and that Division agrees provided all material which should be maintained in the Official Personnel Folder as set up in the attached list of the contents of the Official Personnel Folder is retained. This will be done.

WGE:mog
(2)
Enclosure

mm



b6
b7C

*OK
mm
12/6*

*Noted. Will be
done when
personnel available.
Nichols act to follow.
12/12/56
gmm*

~~CONFIDENTIAL~~

~~LIST OF MATTERS~~

~~ADMINISTRATIVE FILE NO.~~

~~FOIA~~

~~CONFIDENTIAL~~

Compensation and Injury reports

Leave--Correspondence to and from other agencies regarding an employee's leave

Overseas assignment--Briefing of Bureau policy on time of departure (SIS matters)

Passport--Issued to employees transferred overseas (SIS matters)

Resignations--Acknowledging receipt of resignation and advising of acceptance

Retirement Fund

Tax Adjustments

Accidents--Advising date of trial regarding Agent's accident in Bureau car; details of accident in Bureau car; transmitting papers for use in connection with accident in Bureau car; inquiries as to whether court action is pending with regard to accident in Bureau car. (If the original is not filed in an appropriate 66 file)

Assistance--Special Agents' offer of assistance to the Bureau

Association of Former Special Agents--Membership, advising Bureau does not sponsor

[Code Instructions--Transmitting and deciphering code messages (SIS matters)] & (u)

FBI pledge for law enforcement officers

Injuries--Advising of injuries incurred by Agents

Liaison material--Correspondence from SIS employees regarding liaison matters

Medical expenses--In connection with SIS assignment

Military leave--Employee billed in action

Overseas assignment--Letters from Agents relating information on foreign posts.

Retirement--Annuity computations, exemption from compulsory retirement law, requests for refunds

(Continued on page 2)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

RECEIVED BY
1/23/03

AUC 60290 BCC/DCS/jmw

~~CONFIDENTIAL~~

CUR 17

DATE OF REVIEW

0027

7-2873

SP-4 ECU

ENCLOSURE 67-80 000

Transmitted to Michael H. 11/23/56, JMW

Salaries--Advising of loss of salary check; correspondence
to the disbursing office from the Bureau stopping
payment of lost check

SIS Training--Reports regarding Agents trained by
commercial agencies

~~CONFIDENTIAL~~

RE CS-317-26.1

THIS FILE CONTAINS TO FBI
ADMINISTRATIVE MATTERS AND
IS FILED IN THE ALPHABETICAL
SECTION OF SAME

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-28-83 BY SP4 EFW

APPROVED FOR RELEASE

6-410 THRU 66-415

THESE FILES PERTAIN
TO ADMINISTRATIVE
MATTERS AND HAVE
BEEN CONSOLIDATED
INTO PERSONNEL
FILES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-28-83 BY SP-4 ESW

~~CONFIDENTIAL~~

(S)u

~~CONFIDENTIAL~~

Dec 15 10 47 AM '79

RECEIVED
INTELLIGENCE DIV.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MF Memorandum

TO : DIRECTOR, FBI (66-3286 Sub B)

DATE: 10/30/79

RBK/cg
FROM : SAC, ST. LOUIS (66-2872 Sub A)

SUBJECT: *BUREAU RECORD*
DESTRUCTION OF FIELD
FILES AND RECORDS

The below listed file is being maintained past the five year destruction date because of its enduring investigative value. It is felt that this file is essential to the investigative needs of the St. Louis Office in the Organized Crime field.

CII TEAMSTERS LOCAL 688
AR
OO: ST. LOUIS
SL 92-541

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EFW/gmk

66-3286-

1 copy pulled in Room 5636
3 - Bureau
② - 66-3286 Sub B)
(1 - 29-62712)
2 - St. Louis
(1 - 66-2872 Sub A)
(1 - 92-541)
CJC:cms
(5)

NOT RECORDED
NOV 2 1979

RECORDS SYSTEMS



6 NOV 6 1979

94
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~CONFIDENTIAL~~

(S)u

~~CONFIDENTIAL~~

Dec 15 10 47 AM '79

REC'D
INTELLIGENCE DIV.

u (S) [CONFIDENTIAL]

u (S) [CONFIDENTIAL]

CONFIDENTIAL

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Bailey *copy*

DATE: 11/29/79

FROM : P. L. Andrews *PLA*

SUBJECT: DEPARTMENTAL REQUEST FOR
BACKGROUND INVESTIGATIONS ON
SITTING FEDERAL JUDGES

DESTRUCTION OF BUREAU

PURPOSE: *PROPERTY - GENERAL*

The purpose of this memorandum is to provide data in response to an informal request by the Department to furnish background investigations on sitting Federal judges in order to make their files complete.

b6

b7C

DETAILS:

During informal meetings held with personnel of the Records Research Staff on 6/13/79 and 9/17/79, [redacted] Administrative Programs Management Staff, and Robert M. Yahn, Records Management Group, Office of Management and Finance, discussed the concept of recovering background investigations from Bureau files on sitting Federal judges and the manpower, duplication, and other costs involved. It appears that during a major file destruction program, the Department's "B files," or that segment of the files containing the background investigations, were destroyed. Subsequently, the National Archives and Records Service (NARS) designated the entire file on sitting judges as "permanent" and the Department is now attempting to recover the background records. An inquiry by the Associate Attorney General, dated 9/20/77, regarding the proposed destruction process and our response of 10/4/77 (attached), was mentioned.

Enclosures

sent 11-30-79 V-48 DE-44 66-3286-1338

66-3286

1 DEC 6 1979

1 - Mr. Long

(Attn: [redacted])

1 - Mr. Mullen

(Attn: [redacted])

1 - Mr. Bailey (Admin.)

1 - Mr. Andrews

1 - [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 E2W/24C

CMG:ka

(6)

ENCLOSURE

JAN

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ



Memo Andrews to Bailey
RE: DEPARTMENTAL REQUEST FOR
BACKGROUND INVESTIGATIONS ON
SITTING FEDERAL JUDGES

b6
b7C

[] and Mr. Yahn acknowledged the correspondence and advised that NARS had detected the loss during recent record scheduling. They had suggested to NARS that the background investigations in Bureau files be declared "permanent" which would slightly alter our major disposal schedule now pending with the Senate Judiciary Committee; however, NARS preferred to accession the files as one package. They indicated that approximately 850 files would require reconstruction.

At our suggestion, Mr. Yahn forwarded the names of 25 judges in order for us to gain some insight on the time and cost involved. It is estimated that the cost of searching, identifying and duplicating this material would be \$12,000 over a six-month period with the use of two employees. The Accounting and Budget Analysis Unit, Budget and Accounting Section, Administrative Services Division, has been contacted regarding this matter.

It was noted that the background investigations are generally confined to the 77 classification and copies of serials are already in file, therefore, eliminating the duplicating process. On the other hand, the release would be stamped on the original document as for dissemination and a five-year retention period would be required.

[] and Mr. Yahn requested that we furnish cost statistics and problem areas which we have encountered for their discussions with NARS.

b6
b7C

RECOMMENDATION:

That the attached letter to the Department showing results of the above survey and retention restriction be approved and sent.

APPROVED:

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

1 - Mr. Decker
(Attn: J. W. [redacted])
Asst. Dir. (Special)
Investigative Div.
(Attn: [redacted])

1 - Legal Research
1 - Mr. Davis

10/4/77

The Associate Attorney General

Director, FBI

b6

b7C

DESTRUCTION OF CERTAIN FBI
AND OTHER REPORTS

By memorandum captioned as above, dated September 20, 1977, you advised of your intention to destroy certain files on sitting Federal judges and on the Attorney General. You requested to be advised of any problems raised by the proposed file destruction.

The proposed destruction of your copies of the reports described in your memorandum appears to be a matter within your discretion assuming that you have determined that the Records Disposition Schedule of the Department would allow such destruction.

One point should be made concerning the destruction of these reports. Your memorandum indicates that you are relying on the fact that the FBI has the original copies of all of these reports. At this time this assumption is correct, although some of these documents may have been reduced to microfilm. However, by memorandum to the Attorney General dated September 15, 1977, captioned "File Destruction" you were advised of a new Records Disposition Schedule developed by the FBI after consultation with representatives from the National Archives and Records Service (NARS). That plan, which is currently pending approval with NARS, would authorize the destruction of FBI Headquarters applicant-type investigative files after thirty years and the destruction of FBI Headquarters criminal files after ten years. Although certain records which meet NARS criteria as being of sufficient historical interest may be retained beyond these periods, informal contact with NARS has indicated that there is no assurance that all background investigations of Federal judges would be retained. Additionally, as was explained in detail in our memorandum to the Attorney General of September 15, 1977, after approval of the pending

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EFW/9HK

MURD:las (7)

SEE NOTE PAGE 2

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE

FBI/DOJ

OCT 7 1977

FBI

✓
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Lab. _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

10/6/77

66-3286-1338

The Associate Attorney General

Records Disposition Schedule, we intend to seek authority to further reduce the retention period for FBI Headquarters criminal files to five years.

Therefore, you should not rely on the FBI to retain copies of these reports indefinitely and, in fact, under our proposed record retention plan it is possible that such records could be destroyed while a judge is still on the bench.

NOTE: This responds to a memorandum from the Associate Attorney General, dated 9/20/77, advising of the Department's intention to destroy certain categories of investigative reports. This response was coordinated with the Records Management Division and the Special Investigative Division.

JCF

APPROVED: <i>[Signature]</i>	Adm. Serv. _____	Legal Coun. <i>[Signature]</i>
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Fin. & Pers. _____	Rec. Mgmt. <i>A. SJ/WLB</i>
Dep. AD <i>[Signature]</i>	Ident. _____	Spec. Inv. <i>[Signature]</i>
Dep. AD <i>[Signature]</i>	Intell. _____	Tech. Servs. _____
Dep. AD <i>[Signature]</i>	Laboratory _____	Training _____
		Public Affs. Off. _____

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation

FROM : Michael J. Egan *mje*
Associate Attorney General

SUBJECT: Destruction of Certain FBI Investigative
and Other Reports

DATE: September 20, 1977 *pls*

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Fin. & Pers.	
Ident.	
Intell.	
Legal Coun.	
Plan. & Insp.	
Rec. Mgnt.	
Spec. Inv.	
Tech. Servs.	
Training	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y	

b6

b7C

By direction of the Attorney General, I have been requested to destroy all reports with respect to character investigations conducted by the FBI on all sitting Federal judges and on the Attorney General. This would also include the destruction of any administrative inquiry reports and criminal investigative files.

It is understood that you retain originals on all of these files, and it is felt there is insufficient need for us to retain our copies.

If you see any problem, I would appreciate your advice as soon as possible so that we may begin our destruction process.

cc: Mr. Robert Yahn

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BJE/DCS/jmw



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURE

b6
b7C

1 - Mr. Long
(Attn: [redacted])
1 - Mr. Mullen
(Attn: [redacted])
1 - Mr. Bailey (Admin.)
1 - Mr. Andrews
1 - [redacted]

Date: November 30, 1979
To: Assistant Attorney General
for Administration
Justice Management Division
Attn: [redacted]

b6
b7C

From: Assistant Director
Records Management Division

Subject: ~~BACKGROUND INVESTIGATIONS~~
~~ON SITTING FEDERAL JUDGES~~

FEDERAL GOVERNMENT

GENERAL

DESTRUCTION OF BUREAU PROPERTY

As a result of informal meetings with [redacted] and Mr. Robert A. Yahn regarding the need to recover background investigations on sitting Federal judges, we requested the names of 25 judges in order to determine the time and cost involved to complete and furnish this data on approximately 850 judges. We have completed the sampling and are furnishing the results for your further discussions with representatives of the National Archives and Records Service.

b6
b7C

We have estimated that, by assigning two employees we could complete the project well within six months at a cost of \$12,000. Although no major problems were encountered during the sampling, clarification was required to identify exact documents since an occasional criminal investigation or similarly unrelated background investigation would surface. That facet appears to be resolved at this point. The remaining area of concern would relate to the continued retention for five years for files from which documents are released, in the event that our pending disposal schedule is approved. The continued retention would not impose a serious hardship, however, since the proposed retention period is 30 years and many of the files would not have reached their maturity.

I am hopeful that this information is adequate for you to reach a final determination. In the event we can be of further assistance, do not hesitate to contact 1979 US.

Hand-delivered to
Justice Management Division
11/30/79 TSD/Kmg

NOTE: Based on Andrews to Bailey memo dated 11/28/79 captioned "Departmental Request for Background Investigations on Sitting Federal Judges" CMG:kal.

APPROVED:

Adm. Serv. _____
Crim. Inv. _____

Legal Coun. _____
Plan. & Insp. _____

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Ident. _____
Intell. _____
Laboratory _____

Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 ESW/gmt

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

66-3286

MAILED 11/30/79

1980

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Herndon

DATE: 11/29/79

FROM : [Redacted]

SUBJECT:

CANNIBALIZATION OF UNREPAIRABLE
PHOTOGRAPHIC EQUIPMENT

PURPOSE:

DESTRUCTION OF BUREAU PROPERTY -

To obtain Bureau authorization to cannibalize *GENERAL* certain unrepairable photographic equipment consisting of cameras, lenses, and miscellaneous photographic accessories.

DETAILS:

The attached list of photographic equipment is unrepairable and it is requested that this equipment be cannibalized and used for parts to repair and maintain other equipment in current use; thereby, effecting the greatest economy and utilization of the equipment currently on inventory. Parts are unavailable for the equipment from any known source which could be utilized for repair of this equipment at an economically feasible cost. Equipment listed without GPN numbers was received from the field and we have been unable to locate any in the records available to us.

RECOMMENDATION:

It is requested that the Bureau authorize the cannibalization of the listed photographic equipment.

APPROVED:

Director _____
Exec. AD Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

- 1 - Mr. Herndon
- 1 - Mr. Bayless
- (Attn: [Redacted])
- 1 - Mr. [Redacted]
- 1 - [Redacted]

BM tap (5)

66-3286-1340
23 DEC 10 1979

DE-11

b6
b7C

Exec AD Adm. _____
Exec AD Inv. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

FBI/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 CFW/gmk



9

JAN 1 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

EQUIPMENT TO BE CANNABALIZED

Topcon Camera Super D:

SN 4617229	GPN 00217979
SN 4624352	GPN 00217978
SN 4641971	GPN 00217976
SN 4624869	GPN 00217974
SN 4612198	GPN 00217973
SN 4665145	GPN 00217972
SN 4665153	GPN 00217971
SN 7208929	GPN 00217970
SN 4689561	GPN 00217962
SN 4626076	GPN 00217952
SN 4611504	GPN 00217932

SN 4624711
SN 4605025 - 00075637
SN 4626649
SN 4624336

Topcor Lens:

58mm f1.8:

SN 11660718	GPN 00217936
SN 11613801	GPN 00217933
SN 9901232	GPN 00217931
SN 11610951	

Topcor Lens:

135mm f2:

SN 310322	GPN 00217955
SN 310365	GPN 00217937
SN 310464	GPN 00217934

Topcor Lens:

135mm f3.5:

SN 7620825	GPN 00217946
------------	--------------

Topcor Lens:

100mm f2:

SN 7504289	GPN 00217947
------------	--------------

Topcor lens:

200mm f5.6:

SN 9833677	GPN 00217939
------------	--------------

Topcor Lens:

87mm-205mm f4.7:

SN 1307615	GPN 00217940
------------	--------------

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 ESW/gmk

66-3286-1340

Topcor Lens:

300mm f5.6:

SN 701323	GPN 00217944
SN 15500309	GPN 00217941

Topcon Motor Drive:

SN 1290015	GPN 00217951
SN 1290437	GPN 00217950
SN 1290138	GPN 00217949
SN 1290037	GPN 00217943
SN 1293042	GPN 00217942
SN 1290220	GPN 00217935

SN 1290118

GPN
00220719

SN 1290102

00220718

Topcon Auto 100 Camera

SN 54163061	GPN 00217969
with lens:	
SN 54238951	GPN 00217968

Topcon Auto 100 Camera:

SN 54163192	GPN 00217965
with lens:	
SN 54234968	GPN 00217964

Topcon D-1 Camera

SN 5613004	GPN 00217963
------------	--------------

Gossen Luna-six Meters:

SN 23092	GPN 00217966
SN 554597	GPN 00217961

Polaroid 4x5 film holders:

SN 252117	GPN 00217927
SN FH88684S	GPN 00217953

Minota SR-1 Camera:

SN 2211851	GPN 00217967
------------	--------------

Minota 7S Camera:

SN 864921	GPN 00217929 ✓
-----------	----------------

Contaflex Camera:

SN X41718	GPN 00217960
SN 242980	GPN 00217958

Argus Camera:

SN 1829360262 GPN 00217929

Robot Star Camera:

SN D140451 GPN 00217957

Alpa Camera:

SN 31002 GPN 00217955

with lens:

SN 52010 GPN 00217954 ✓

Olympus Motor Drive:

SN 013698 GPN 00217977

Beseler 660 Flash:

SN 614718 GPN 00217975

Lens 50mm f2 Tessar:

SN 2949613 GPN 00217959

Schneider Kreuznick Lens #40mm f1.9:

SN 3245138 GPN 00217956

Schneider Kreuznick lens: 35mm f2.8

SN 4624205 GPN 00217930

4x5 Graphic Camera

934324 GPN 00217794

with lens 645070 - 00073132A

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir.
Dir. AD Adm.
Dir. AD Inv.
Asst. Dir.:
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

TO : Mr. Bailey

DATE: 12/17/79

FROM : P. L. Andrews

SUBJECT: FILE DESTRUCTION
CIVIL ACTION CASES

*Destruction of Bureau
Property - General*

b6
b7C

PURPOSE:

The purpose of this memorandum is to provide data regarding pending litigation cases for record purposes.

RECOMMENDATION:

None. For record purposes.

APPROVED:	Adm. Serv.	Legal Coun.
Director	Crim. Inv.	Ident.
AD-Inv.	Intell.	Training
Asst. AD-Adm.	Intell.	Public Affs. Off.
Exec. AD-LES	Laboratory	

DETAILS:

Pursuant to the Attorney General's instructions of 6/6/77 that all files related to pending litigation must be preserved, Legal Counsel Division has provided Records Management Division (RMD) with pertinent information regarding pending civil litigation and Freedom of Information and Privacy Acts litigation cases. RMD has subsequently provided this information to field offices and Legal Attaches for appropriate searching and identification. A similar process is conducted at Headquarters.

To insure that all pertinent subjects related to the cases are duly recorded, two individual attachments which have previously been forwarded for searching and retention purposes are attached herewith for record processing.

197-122

Enclosures

- 1 - Mr. Andrews
- 1 - Mr. Bailey (Admin)
- 1 - [Redacted]

CMG:evp
(4)



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

57 FEB 12 1980

NOT RECORDED
167 JAN 16 1980

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-12 BY SP4 CFW/gst

ORIGINAL FILED IN 197-122-31

UNITED STATES GOVERNMENT

MemorandumUNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
 Exec AD Adm. _____
 Exec AD LES _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

TO : Mr. Bailey *WB*

DATE: 1/8/80

FROM : P. L. Andrews *PLA*SUBJECT: RECORDS DISPOSITION PROGRAM -
DESTRUCTION OF BUREAU RECORDS -GENERALPURPOSE:

The purpose of this memorandum is to record receipt of Department of Justice Order DOJ 2710.9 which establishes the records disposition program for all components of the Department in accordance with existing regulations.

RECOMMENDATION:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

None. For record purposes. DATE 9-28-82 BY SP4 E2w/gm

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Exec. AD-Inv. _____	Ident. _____	Rec. Mgnt. _____
Exec. AD-Adm. _____	Intell. _____	Tech. Servs. _____
Exec. AD-LES _____	Laboratory _____	Training _____
		Public Affs. Off. _____

DETAILS:

On 1/7/80, Robert M. Yahn, Records and Publications Staff, Office of Personnel and Administration, Justice Management Division, furnished a copy of Department of Justice Order DOJ 2710.9, dated 7/10/79, which established a records disposition program for Departmental components and cites the objectives

Enclosure

66-3286

1 - Mr. Bailey (Admin.)

1 - Mr. Andrews

1 -

CMG:kal

14 kg

1 - ENCLOSURE

For attached opp
 cancelled 2/80
 7/5 MAY 23 1980
 + replaced by
 DOS order 2710.9A.

66-3286-1341X
 22 MAY 5 1980

b6

b7C

Memo Andrews to Bailey
RE: RECORDS DISPOSITION PROGRAM
DESTRUCTION OF BUREAU RECORDS

of this program and responsibilities of the respective components. The document is self-explanatory and a copy is attached herewith.

Our comments regarding DOJ 2710 were previously sought and, on 4/16/79, we furnished the Office of Management and Finance copies of three disposal schedules which are currently in a pending status. DOJ 2710.9 requires that future requests for disposition authority (Standard Form 115) be directed to the Records Management Group (now Records and Publications Staff) as opposed to the previous policy of submitting our requests directly to the National Archives and Records Service (NARS). Mr. Yahn did make an exception to this requirement for individual cases related to the Privacy Act of 1974 which will continue to be submitted directly to NARS.

**DEPARTMENT
OF JUSTICE**

Order

DOJ 2710.9

July 10, 1979

Subject: RECORDS DISPOSITION PROGRAM

1. PURPOSE. This order establishes a program for the disposition of records of the Department of Justice (DOJ) in accordance with 44 U.S.C. 3102 and the General Services Administration Federal Property Management Regulations.
2. SCOPE. This order applies to all components of the DOJ.
3. PROGRAM OBJECTIVES. The basic objectives of the records disposition program are:
 - a. The timely and systematic removal of records deemed temporary by the creating component, the Department and the Government for later destruction by the Department or a Federal Archives and Records Center.
 - b. The designation of permanent records having sufficient historical and archival values to warrant immediate or later transfer to the National Archives for permanent preservation.
4. RESPONSIBILITIES.
 - a. Office of Management and Finance. The Records Management Group (RMG), Administrative Programs Management Staff (APMS), Office of Management and Finance shall:
 - (1) Establish general records disposition policy and standards for the DOJ.
 - (2) Act as a liaison with the National Archives and Records Service (NARS) for Department program direction.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY *100290 BCE/bcs/ymw*

Distribution:

BUR/H-2, OBD/H-2

Initiated By:

Office of Management and
Finance, Administrative
Programs Management Staff

66-3286-1341X
ENCLOSURE


- (3) Review all requests for records disposition authority (Standard Form 115) which are originated by Offices, Boards, Divisions and Bureaus and submit them to NARS for approval.
- (4) Provide assistance and advice on records disposition matters to officials throughout the Department.
- (5) Evaluate the Department's program periodically to ensure its operation at peak efficiency.

b. Offices, Boards, Divisions and Bureaus. Each Office, Board, Division and Bureau shall:

- (1) Implement policy and standards for records disposition set forth in guidance published by the Department and the General Services Administration (Federal Property Management Regulations). Submit any supplementary program guidance to RMG for review prior to issuance (Offices, Boards, and Divisions only).
- (2) Submit all requests for records disposition authority (Standard Form 115) to NARS via RMG.
- (3) Ensure timely removal from office space and equipment of noncurrent records.
- (4) Encourage the use of Federal records centers as storage facilities for records with reduced reference activity.
- (5) Ensure that records of archival value are identified properly for eventual transfer to NARS.
- (6) Establish a central point for approval or disapproval of all requisitions for filing equipment by evaluating need and by checking compliance with authorized records disposition instructions.
- (7) Provide adequate staff to carry out program responsibilities.
- (8) Ensure that program staff are adequately trained in coordination with RMG.

DOJ 2710.9
July 10, 1979

5. DESIGNATION OF RECORDS DISPOSITION LIAISON. Each Office, Board, Division and Bureau shall designate a records disposition liaison officer to serve as the primary contact point for the component, including its field offices, and advise RMG in writing of the name of that individual.


KEVIN D. ROONEY
Assistant Attorney General
for Administration

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

b6

b7C

DATE: 1/8/80

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Bailey *WLB/PLA*

FROM : *PLA*

SUBJECT: RECORDS DISPOSITION PROGRAM -
DESTRUCTION OF BUREAU RECORDS - *General*

b6

b7C

PURPOSE:

The purpose of this memorandum is to record receipt of Department of Justice Order DOJ 2710.9 which establishes the records disposition program for all components of the Department in accordance with existing regulations.

RECOMMENDATION:

None. For record purposes.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Exec. AD-Inv. _____	Ident. _____	Rec. Mgnt. <i>WLB/PLA</i>
Exec. AD-Adm. _____	Intell. _____	Tech. Servs. _____
Exec. AD-LES _____	Laboratory _____	Training _____
		Public Affs. Off. _____

DETAILS:

On 1/7/80, Robert M. Yahn, Records and Publications Staff, Office of Personnel and Administration, Justice Management Division, furnished a copy of Department of Justice Order DOJ 2710.9, dated 7/10/79, which established a records disposition program for Departmental components and cites the objectives

/ ENCLOSURE

Enclosure

66-3286

- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews
- 1 - *[Redacted]*

CMG:kal

(4 Encl)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E2W/jtk

b6

b7C

JAN 26 1982

file 4/Russ

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

Memo Andrews to Bailey
RE: RECORDS DISPOSITION PROGRAM
DESTRUCTION OF BUREAU RECORDS

of this program and responsibilities of the respective components. The document is self-explanatory and a copy is attached herewith.

Our comments regarding DOJ 2710 were previously sought and, on 4/16/79, we furnished the Office of Management and Finance copies of three disposal schedules which are currently in a pending status. DOJ 2710.9 requires that future requests for disposition authority (Standard Form 115) be directed to the Records Management Group (now Records and Publications Staff) as opposed to the previous policy of submitting our requests directly to the National Archives and Records Service (NARS). Mr. Yahn did make an exception to this requirement for individual cases related to the Privacy Act of 1974 which will continue to be submitted directly to NARS.

66-3286-1342
CHANGED TO
66-3286-B-31X

APR 18 1988
NB H / RB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCG/jmw

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Boynton

DATE: 1/23/80

FROM : W. L. Bailey

SUBJECT: DESTRUCTION OF FIELD
FILES AND RECORDS

Assoc. Dir. _____
 Dir. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.: _____
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

b6

b7C

Reference W. L. Bailey to Mr. Boynton memo dated
1/14/80.

PURPOSE: To respond to Director Webster's question as to
whether the article appearing in the Washington Post
dated 1/11/80 was in error or if the opinion of Judge Harold H.
Greene was in error.

RECOMMENDATION: For information.

APPROVED:

Adm. Serv. _____

Legal Coun. _____

Crim. Inv. _____

Plan. & Insp. _____

Director _____

Exec. AD-Inv. _____

Ident. _____

Rec. Mgnt. _____

Exec. AD-Adm. _____

Intell. _____

Tech. Servs. _____

Exec. AD-LES _____

Laboratory _____

Training _____

DETAILS: Referenced memorandum advised that the article appearing in the Washington Post on Friday, 1/11/80, dealing with file destruction was incorrect in its content. The Honorable Harold H. Greene, Judge, U. S. District Court, Washington, D.C., issued a temporary injunction on the destruction of all FBI files and records effective 1/10/80. This order evolved from the Civil Action Suit #79-1655, filed by the American Friends Service Committee, et al., v. William H. Webster, et al.

The Washington Post article stated "Greene said that from 1946 to 1976 not a single Archives employee saw any FBI documents before they were destroyed." While this statement is part of the opinion issued by the Judge, it is without further clarification and, therefore, misleading and incorrect.

- 1 - Mr. Boynton
- 1 - Mr. Steel
- 1 - Mr. Mintz Attn: [redacted]
- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Hogan
- 1 - Mr. Andrews

PLA: 60 FEB 21 1980
(7)

b6

b7C

JAN 30 1980 b6

b7C

XEROX
FEB 14 1980
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-21-91 BY 6383 YAT/ant
FEB 8 1980
PERS. REF. UNIT

UNRECORDED COPY FILED IN

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum W. L. Bailey to Mr. Boynton
DESTRUCTION OF FIELD
FILES AND RECORDS

On page 8 of the opinion, it is stated "The Archivist took action with respect to FBI records on four occasions during that 30-year period" (1946 - 1976). On page 9, the opinion further states "During that entire period, neither in connection with the approval of the various plans and schedules, nor during the interim years, did a single employee of the Archives see a single FBI file."

As indicated above, the issue before the court dealt with only four occasions wherein the Archivist took action and, therefore, the opinion of the court is correct in that no employee of the Archives reviewed the files. It is noted, however, that a footnote in the opinion advised that there were several minor actions concerning the destruction of administrative materials. The Post article taken out of context would imply that no NARS employee had ever seen a single FBI file over a period of 30 years. Memoranda contained in Headquarters files and previously reported in referenced memorandum clearly show that NARS employees during this 30-year period did, in fact, see FBI files that were not a matter of issue before the court in this particular case.

It is, therefore, the conclusion of the Records Management Division that the opinion of Judge Greene is correct as it deals with the four occasions of NARS action over the 30-year period. However, the Washington Post article taken out of context and without clarification is incorrect. Testimony given by Mr. James W. Awe, former Section Chief, Records Management Division, during the hearing supported the fact that NARS employees had during the questionable period reviewed files in several instances, however, dates and individuals involved could not be recalled by the witness.

1 2

1 11/80

UNCLASS E F T O

IMMEDIATE

059

#F059000 AF00DE HQ H0059 #H0Y00 111721Z JAN 80

FM DIRECTOR FBI

TO ALL FBI FIELD OFFICES IMMEDIATE

PERSONAL ATTENTION

ALL LEGAL ATTACHES IMMEDIATE

PERSONAL ATTENTION

BT

UNCLASS E F T O

DESTRUCTION OF FIELD FILES AND RECORDS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-92 BY 8P4 E7 w/gmk

Bureau

Coentral

PURSUANT TO PRELIMINARY INJUNCTION ISSUED BY U. S. DISTRICT COURT JUDGE HAROLD H. GREENE, U.S. DISTRICT COURT, DISTRICT OF COLUMBIA, ON JANUARY 10, 1980, ALL, REPEAT ALL, FILE DESTRUCTION PROGRAMS CURRENTLY IN EFFECT FOR FBIHQ, FIELD OFFICES AND LEGATS ARE TO BE IMMEDIATELY SUSPENDED PENDING FINAL RESOLUTION OF THIS MATTER. THIS COMMUNICATION SUPERSEDES ALL PREVIOUS COMMUNICATIONS CONCERNING DESTRUCTION OF FBI FILES AND RECORDS. NO DESTRUCTION OF ANY FBI FILES OR RECORDS SHOULD TAKE PLACE UNTIL FURTHER ADVISED BY FBIHQ. SHOULD YOU RECEIVE ANY COURT ORDERS

WHP/pk

X

PLA:evp

1/11/80

5644

4185

66-3286

- 1 - MR. BOYNTON
- 1 - MR. COLWELL
- 1 - MR. MOORE
- 1 - [REDACTED]
- 1 - MR. STEEL
- 1 - MISS DEVINE
- 1 - EACH ASSISTANT DIRECTOR
- 1 - [REDACTED]
- 1 - [REDACTED]

- 1 - MR. ANDREWS
- 1 - MR. FINZEL
- 1 - MR. SCHERRE
- 1 - [REDACTED]
- 1 - [REDACTED]

NOT RECORDED
38 JAN 24 1980

b6

b7C

64 JAN 28 1980

260

ORIGINAL FILED IN 66-3286-8

2 OF 2

PAGE TWO DE HQ 0059 UNCLAS E F T O

RELATIVE TO DESTRUCTION OR EXPUNCTION OF FBI FILES, NO ACTION
SHOULD BE TAKEN EXCEPT TO IMMEDIATELY NOTIFY RECORDS MANAGEMENT
DIVISION, FBIHQ, ATTENTION ROOM 5644.

BT

1

AD-1

AD-2

AD-3

AD-4

Exec AD-1

Laboratory

Legal Coun.

Public Affs.

Training

Records

Ident.

Public Affs. C.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Boynton

DATE: 1/14/80

FROM : W. L. Bailey

SUBJECT: DESTRUCTION OF FIELD
FILES AND RECORDS

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

PURPOSE:

To advise that the article appearing in The Washington Post dated Friday, 1/11/80, dealing with the File Destruction Program is both slanted and incorrect in its content.

RECOMMENDATION:

For information

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8-21-88 BY 6383 JRT/and

Director _____
 Exec. AD-Inv. _____
 Exec. AD-Adm. _____
 Exec. AD-LES _____

Adm. Serv. _____
 Crim. Inv. _____

Ident. _____
 Intell. _____
 Laboratory _____

Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____

DETAILS:

The Honorable Harold H. Green, Judge, U. S. District Court, Washington, D. C. issued a temporary restraining order on the destruction of all FBI files and records effective 1/10/80. This action evolved from Civil Action Suit #79-1655 filed by the American Friends Service Committee, et al, vs. William H. Webster, et al.

The Washington Post published an article 1/11/80 (copy attached) which states; "Greene said that from 1946 to 1976 not a single Archives employee saw any FBI documents before they were destroyed." This statement is untrue as supported by memoranda contained in files, i.e., memorandum dated 3/30/54 from [redacted] to Mr. Nichols, captioned

b6
 b7C

ENCLOSURE

Enclosure

DE-47

- 1 - Mr. Boynton
 1 - Mr. Steel
 1 - Mr. Mintz
 (Attn: [redacted])
 1 - Mr. Hogan

- 1 - Mr. Bailey
 1 - Mr. Andrews
 1 - [redacted]
 1 - [redacted]

b6
 b7C

PLA:evp(9)

b6
 b7C

CONTINUED OVER



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

UNRECORDED COPY FILED IN 62-3986-13-197-1264

Memorandum to Mr. Boynton
DESTRUCTION OF FIELD
FILES AND RECORDS

"American Protective League" indicates that NARS representatives examined records contained in 11 cabinets and took approximately one-fourth of a drawer of records as a representative sample suitable for preservation. During a time frame of 1969-1971, a study was conducted by representatives of NARS in making an evaluation of Records Management Programs of the Department of Justice (DOJ) including the FBI. During this study, representatives were furnished access to records for their review and appraisal. This is substantiated by memorandum dated 4/23/70, from Mr. Tavel to Mr. Mohr captioned "General Services Administration Evaluation of DOJ Records Management Program.

In 1978, NARS representatives conducted a study for the specific purpose of resolving three issues.

1. Application of current disposal authority for field office investigative files
2. Reporting requirements and the FBI Central Records System
3. Headquarters and field office investigative files: a comparison. Visits to three major FBI field offices (New York City, Chicago, and Washington, D. C.) covered a full range of investigative matters - criminal, security and applicant cases followed by a subsequent review of FBIHQ files of the same cases resulting in a detailed comparison of the records for each case.

The conclusions of this study were reported in December 1978 and are as follows:

1. The FBI program for disposition of field office investigative files conforms fully with the disposition instructions approved by NARS.
2. Although FBI reporting procedures vary according to type of investigation, the procedures do provide for submission of full accounts of field office actions in substantive investigations.
3. On the basis of examination of the records, FBI field offices investigative files do not have sufficient historical or other research value to warrant permanent retention.

Memorandum to Mr. Boynton
DESTRUCTION OF FIELD
FILES AND RECORDS

In view of the above, it is the opinion of Records Management Division that the attached newspaper article is incorrect and slanted.

A detailed analysis and review of the temporary restraining order on file and records destruction will be made by the Legal Counsel Division and submitted by separate memorandum.

See LCD memo to Director of 1/11/80 captioned, "American Friends Service Committee, et al. v. William H. Webster, et al., (U.S. D.C., D.C.) Civil Action # 79-1655" Jkt. 1/15/80

ALL INFORMATION CONTAINED IN ENVELOPE
HEREIN IS UNCLASSIFIED
DATE 9/23/8 BY AWC 14290 BCE/DCG/jgmw

239

ENCLOSURE

66-3286-1344

Judge Blocks FBI From Destroying 30 Years of Documents in Archives

By Kenneth Bredemeier
Washington Post Staff Writer

A federal judge here yesterday blocked the FBI and National Archives officials from destroying as many as a billion FBI documents the agency has collected over the last 30 years, many of them records that historians, alleged victims of FBI abuses and others say should be preserved.

District Court Judge Harold H. Greene said that U.S. archivists over the last three decades, despite a congressionally approved mandate, have abdicated their authority to review FBI documents before the FBI destroys them.

The judge found that the FBI has destroyed millions of files without the required review to see if the documents are of historical interest or valuable to people trying to prove they were wronged by some FBI action.

The judge gave the FBI Archives officials and other federal record-keepers 90 days to consult with historians and others, devise a plan to review the FBI documents, and get it approved by Greene before any further destruction of documents.

Greene ruled in a case brought by 11 civil liberties, religious, peace and historian groups as well as 40 individuals, including Daniel Ellsberg, who leaked the Pentagon Papers, author Jessica Mitford, activist Angela Davis, and Michael and Robert Meeropol, sons of executed spies Julius and Ethel Rosenberg.

One of their lawyers, Marshall Perlin of New York, said the intent of the suit was "not to save every scrap of paper," but rather to systematically review documents before they are lost forever.

He said that among the 750 million

to one billion FBI documents are World War II Selective Service case files, political surveillance records, and papers dealing with the FBI's illegal wiretapping and "black bag" break-ins.

Greene said that from 1945 to 1975, not a single document was reviewed before being destroyed. "All decisions were made on the basis of representations of the FBI—representations which ... were in some respects incorrect, and in all respects unverified," the judge said.

Some Archives officials testified at a hearing that they were capable of acting on FBI document destruction plans without seeing the papers to be destroyed.

"The court finds those representations to be wholly incredible," Greene said.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-21-81 BY 63834/2/81

RECEIVED

66-3286-1344

Memorandum

b6

b7C

DATE: January 25, 1980

TO : Mr. Bailey *WLB RPT*FROM :

SUBJECT:

DESTRUCTION OF BUREAU RECORDS - GENERAL
~~PROCEDURES FOR PERFECTING REQUESTS TO CORRECT AMEND~~
~~OR DESTROY RECORDS IN THE FBI CENTRAL RECORDS SYSTEM~~

al

PURPOSE: To redescribe the procedures to be followed when handling requests for corrections, amendment, or destruction of documents in the central records system pursuant to the Privacy Act, Title 5, U.S. Code, Section 552a (d) (2). This redescription is necessitated by the discontinuance of the preparation of abstracts, pursuant to P. L. Andrews to Mr. Bailey memorandum dated October 2, 1979 (66-2593-288).

SYNOPSIS: With the Automated Incoming Mail Serialization (AIMS) System, the preparation of abstracts has been discontinued effective 10/16/79 with the exception of abstracts prepared for Personnel and Bureau Applicant matters. This requires a redescription of a number of procedures utilized in perfecting the mechanical aspects of completing granted requests for correction, amendment, or destruction of records.

RECOMMENDATION:

None - For record purposes.

APPROVED:

Pick
Pick

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. *WLB* *J*
Tech. Servs. _____
Training _____
Public Affs. Off. _____

b6

b7C

DETAILS: Reference is made to to Mr. Bassett memorandum captioned as above dated September 15, 1978 (66-3286-1301).

438 DE-81 66-3286-1344X

The Privacy Act, specifically subsection 552a(d) (2), permits individuals to request correction, amendment, or destruction of a record(s) pertaining to themselves.

1 - Mr. Bailey

1 -
1 -
1 -

b6

b7C

1 - Mr. Andrews

1 -
1 - Policy folder
1 -

Attention

23 JAN 30 1980

CONTINUED - OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

JUL 7 1980

FBI/DOJ

UNRECORDED COPY FILED IN

HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EELW/gmr

8/8/85 TS/cg 2-11-90

304185

66-3286-B-

66-19168-

190-00-



Memo to Bailey

Re: PROCEDURES FOR PERFECTING REQUESTS TO CORRECT, AMEND
OR DESTROY RECORDS IN THE FBI CENTRAL RECORDS SYSTEM

Information maintained in the FBI central records system, to the extent it is subject to exemption pursuant to Title 5, United States Code, Section 552a (j)(2) and (k)(2), is exempt from the correction and amendment provisions of the Privacy Act. However, it is the policy of this bureau to consider each such request on an individual basis in order to reach an equitable determination consistent with the best interests of both the individual and the Government.

Where we agree to amend a record on request, any one of the following actions may be required:

(1) Total destruction - Separate National Archives and Records Service (NARS) authority must be obtained, where headquarters and field office files do not meet automatic destruction criteria.

(2) Partial expunction (i.e., words, phrases, serials) - authority contained in Federal Personnel Manual Records Bulletin - 74(B-74)(66-3286-1285). No additional authorization is required.

(3) Notation of dispute - Letters of explanation provided by the requester concerning original records in file. File cover will be stamped to note serial containing the notation of dispute.

(4) Serial removal - Serial removal for return to submitting agency at their request. Permanent serial charge-out will be inserted to insure integrity of files.

Each category will require review of files, index cards, abstracts (in records prior to 10/16/79), excised documents, note on "yellow", and copies directed to other files to insure that both the original and all derivative records have been corrected, amended, or destroyed.

Similar action will be required for Official Personnel Files, and each case will be handled separately.

CONTINUED - OVER

Memo to Bailey

Re: PROCEDURES FOR PERFECTING REQUESTS TO CORRECT, AMEND
OR DESTROY RECORDS IN THE FBI CENTRAL RECORDS SYSTEM

The Field Coordination and Appeals Unit, FOIPA Branch, will continue to advise recipient agencies and field offices of necessary corrections, amendments, or destructions on limited bases. However, designated employees of the Consolidation subunit and Personnel Records, in compliance with the following procedures, will effect the actual correction, amendment, or destruction action.

(a) Procedures for making the requester's notation of dispute a matter of record.

(1) Requester's incoming letter and any enclosures, along with our response, are to be individually serialized into AIMS (red serial) and filed in the requester's 190 file.

(2) Copies of the serialized letters are to be filed in the designated substantive Bufiles as green serials, after serialization into AIMS.

(3) The outside of the jacket is to be stamped "File contains notation of dispute, substance of which must be included with any disclosure of the disputed information." The purpose of this notation is to bring to the attention of any reviewer that disputed information has been filed and must be taken into account. This is a requirement of subsections (c) (4) and (d) (4) of the Privacy Act.

Certain corrections may be required on the serials or main files, to which the letters are added. These changes will be minor in nature, such as birth date, birthplace, street addresses, etc.

(b) Procedures for amendment, and/or total destruction action.

(1) Requester's incoming letter and any enclosures, along with our response are to be individually serialized into

CONTINUED - OVER

Memo to Bailey

Re: PROCEDURES FOR PERFECTING REQUESTS TO CORRECT, AMEND
OR DESTROY RECORDS IN THE FBI CENTRAL RECORDS SYSTEM

AIMS (red serial) and filed in the requester's 190 file.

(2) The litigation printout sheet is to be reviewed to insure there is no pending litigation involving the requester.

(3) Amendment or destruction action requested on the worksheet, form 4-727, is taken.

(c) Pursuant to subsections (c)(4) and (d)(4), all prior recipients of the affected record must be notified of the notation of dispute, amendment, or destruction action taken. This will be complied with by utilization of form 4-728, memorandum, or letter.

(1) Form 4-728 should be utilized to inform the appropriate field division(s) of the action(s) taken at FBIHQ. The field division(s) must comply with this action if the division still maintains the document(s) or file(s). Insure that the 190 Bureau file number and subject's name are on the form. When this form is returned to FBIHQ it must be serialized into AIMS as a red serial.

(2) All outside, prior recipients of the affected records must be apprised of our action. In these instances, a memorandum will be utilized if the prior recipient is a Federal agency, and a letter will be utilized if the agency is outside the Federal community. These outgoing memoranda or letters will be serialized into AIMS as red serials.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

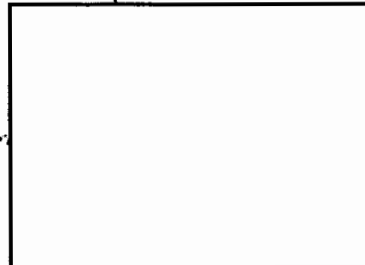
Asso. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: *REF*
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Serv. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Bailey *WDX*

DATE: 2/6/80

FROM : P. L. Andrews *PLA*

SUBJECT: DESTRUCTION OF BUREAU RECORDS - *GENERAL*



b6

b7C

PURPOSE:

The purpose of this memorandum is to establish destruction criteria for correspondence related to requests for and destruction of badges and identification cards for support and service personnel.

RECOMMENDATION:

That, upon approval, this memorandum be referred to the Property Procurement and Management Section, Administrative Services Division, and the Special Projects Section, Laboratory Division, for future maintenance and disposal considerations and to the Index Subunit, Records Management Division (RMD), for future disposal action.

APPROVED:

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. *REF* Legal Coun. _____
Crim. Inv. _____ Plan. & Insp. _____
Ident. _____ Rec. Mgnt. *WDX*
Intell. _____ Tech. Serv. _____
Laboratory *WDX* Training _____
Public Affs. Off. _____

DETAILS:

The Property Procurement and Management Section, Administrative Services Division, has brought to our attention a matter regarding processing and filing of correspondence

Enclosure

ENCLOSURE ATTACHED
66-3286

- 1 - 62-12846
- 1 - Mr. Herdon
(Attn:)
- 1 - Mr. Long
(Attn:)
- 1 - Mr. Scherrer
- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews
- 1 -

CMG:kal (8)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 E2W/AMK

66-3286-1345

7 FEB 13 1980

b6

b7C



66 FEB 23 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

Memo Andrews to Bailey
RE: DESTRUCTION OF BUREAU RECORDS

pertaining to requests for and issuance and destruction of badges and identification cards for support and service personnel. The correspondence is accumulated through the exchange of correspondence between FBIHQ and field offices, generally through the use of Forms FD-464, FD-523, 7-152a, r/s FD-4, and Optional Form 10. The correspondence has been routinely processed and sent to Bureau file 62-12846. The Property Procurement and Management Section has questioned the need to retain records of this nature.

General Records Schedule #11, Item 4, (copy attached) provides for the disposal of this material. Through the use of this authority, correspondence will be destroyed after credentials are accounted for. Initially, field offices, with the exception of Alexandria, Baltimore, Newark, New York, and WFO, were advised by airtel, 8/3/79, on procedures to follow on the issuances of new credentials. Copies of all outgoing communications have been placed in file. One copy will be retained with above exceptions noted thereon and the remainder removed from file and destroyed. Proper notation of the disposal will be affixed to the retained communication. Hereafter, correspondence of this nature will be retained within the Property Procurement and Management Section or the Special Projects Section until credentials are accounted for. In addition to above outgoing communications, Index Subunit, RMD, will remove and destroy correspondence which has accumulated relative to this program.

Property Procurement and Management Section and the Special Projects Section are reminded, however, that any destruction of FBI records is prohibited as result of preliminary injunction issued by Judge Harold H. Greene and all records should be retained until this matter is resolved.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-92 BY SP4 EIW/gMK

239

ENCLOSURE

66-3286-1345

ITEM NO.	DESCRIPTION OF RECORDS	RECOMMENDED METHOD OF FILING	AUTHORIZED DISPOSITION
	b. Receipts, indices, listings and accountable records.	Conform to agency practice.	Dispose after all listed credentials are accounted for.
5.	Requests for building and equipment maintenance services, excluding fiscal copies.	Numerically by control or requisition number.	Dispose 3 months after work performed or requisition cancelled.

Item 1. These are routine files with related data reflecting the activities of the service operation group in administering its internal management and operation. Policy documentation is normally reflected in files at higher administrative levels. The records are maintained a sufficient period to satisfy administrative needs and have no other significant values.

Item 2. These files accumulate in the process of assigning and utilizing agency space. Reports are submitted to General Services Administration as directed by the Federal Property and Administrative Service Act of 1949, and GSA Real Property Management Regulation No. 3. Administrative needs have been met after the lapse of period indicated and the value of summary records held by the General Services Administration reflecting Government-wide trends and policies must be determined separately.

Item 3. The memoranda, completed questionnaires, forms and reports are accumulated in the compilation of directory service listings and are of temporary value after issuance or publication of listing. They are held long enough to satisfy administrative needs.

Item 4. These records relate to the issuance of and accountability for identification credentials, issued to individuals. The credentials themselves and the related control records have little value after they have served their immediate purpose.

Item 5. Requests for maintenance service normally originate in the operating units. Their purpose is served and they have little further value when the services which they request have been performed or the request has been cancelled.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCG/ymw

66-3286-1345

GENERAL RECORDS SCHEDULE 11

ITEM
NO.

DESCRIPTION OF RECORDS

AUTHORIZED DISPOSITION

- a. Building plan files and related agency records utilized in space planning, assignment, and adjustment. Destroy 2 years after termination of assignment, or when lease is cancelled, or when plans are superseded or obsolete.
- b. Correspondence with and reports to staff agencies relating to agency space holdings and requirements.
 - (1) Agency records to General Services Administration regarding space occupied in "Metropolitan Washington" and "Outside the District of Columbia", and related papers. Destroy when 2 years old.
 - (2) Copies in subordinate reporting units and related work papers. Destroy when 1 year old.

3. Directory Service Files.

Correspondence, forms and other records relating to the compilation of directory service listings. Destroy 2 months after issuance of listing.

4.

Credentials Files.

Identification credentials and related papers.

- a. Identification credentials including cards, badges, parking permits, photographs, agency permits to operate motor vehicles; and property, dining room and visitors passes, and other identification credentials. Destroy credentials 3 months after return to issuing office.
- b. Receipts, indices, listings and accountable records. Destroy after all listed credentials are accounted for.

66-3286-1345

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Boynton

DATE: 3/20/80

FROM : W. L. Bailey

SUBJECT: ~~APPRAISAL OF FBI HEADQUARTERS
AND FIELD OFFICE RECORDS BY
THE NATIONAL ARCHIVES AND
RECORDS SERVICE (NARS)~~

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

PURPOSE:

DESTRUCTION OF BUREAU RECORDS-GENERAL

The purpose of this memorandum is to advise all Headquarters divisions that NARS will be conducting an appraisal of Headquarters and field office records during the period of March 31 - August 22, 1980, in order to establish a retention plan for investigative, applicant and general files in the Central Records System.

RECOMMENDATION:

None. For information.

APPROVED:

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. WLB/RTB
Tech. Servs. _____
Training _____
Public Affs. Off. _____

DETAILS:

As you are aware, on 1/10/80, Judge Harold H. Greene issued a Preliminary Injunction in the civil action, "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action Number 79-1655," which ordered this Bureau to cease all record destruction

Enclosure ENCLOSURE

66-3286

DE-1566-3286-1346

IN-35

11 MAR 27 1980

- 1 - Mr. Boynton
- 1 - Mr. Colwell
- 1 - Mr. Joseph
- 1 - Mr. Steel

- 1 - Mr. Young
- 1 - Each Assistant Director
- 1 - 197-1264
- 1 - Mr. Andrews
- 1 - Mr. Steel

CMG:kal (20)

APR 1 1980

XEROX

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-81 BY 6382 JET/AN

b6

b7C

FBI/DOJ

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memo Bailey to Boynton

RE: APPRAISAL OF FBI HEADQUARTERS
AND FIELD OFFICE RECORDS BY
THE NATIONAL ARCHIVES AND
RECORDS SERVICE (NARS)

at Headquarters and in the field offices. Accordingly, on 1/11 and 14/80, all offices were advised to discontinue all destruction programs. The Opinion issued by Judge Greene requires the FBI to observe this moratorium on destruction until the FBI and NARS have formulated a records retention plan and disposal schedules for both Headquarters and field office files and the submissions are approved by the Court. In order to initiate this project, NARS has furnished a copy of their action plan (attached herewith) which is self-explanatory.

Basically, the NARS appraisal will encompass a review of all file classifications, the policy files in each classification, and the investigative and administrative manuals. The Headquarter's examination is scheduled for 3/31/80 - 6/27/80 and the field office review for 7/7/80 - 8/22/80. Eight appraisers and a team leader will review the records and discuss their findings with three consultants (historians/archivists). Through concerted efforts by the FBI and NARS, the retention plan and disposition schedules will be submitted to Judge Greene in January 1981.

Efforts are being made to insure that security clearances for the appraisers are adequate; that informant, financial, and tax data will be restricted; that knowledgeable personnel will be available to assist the appraisers; and that this operation is completed to the satisfaction of all concerned parties. You will be advised of important aspects of this review as they occur.

~~PROGRAM AND, TIMETABLE~~
~~FOR DEVELOPING RETENTION PLAN AND DISPOSITION SCHEDULE~~
~~FOR FBI HEADQUARTERS AND FIELD OFFICE RECORDS~~

February 1980

I. Developing the program

Timetable

A. Office of Federal Records Centers (NC) develops and GSA Office of Legal Counsel (LR) concurs in a preliminary proposal for conducting an appraisal and establishing a retention plan for FBI headquarters and field office records.

Feb 4-22

B. The Archivist of the United States (N) approves preliminary proposal

Feb 26

C. N approves selection of a team leader and a team of eight archivists with following qualifications to conduct appraisal of records

Feb 26

1. Substantial experience in appraising records
2. Strong background in American history and historical activities (i.e., academic credentials, publications, teaching experience, etc.)
3. Ability to express themselves articulately because service as a witness is a possibility

D. FBI reviews preliminary proposal and concurs/comments

Feb 27-29

E. N approves an interim proposal and timetable subject to possible revision on basis of comments from National Archives Advisory Council subcommittee and outside consultants

Mar 3

F. N requests chairman of National Archives Advisory Council to create a Council subcommittee for the purpose of providing oversight of program

Mar 3

G. Council subcommittee provides N with concurrence/ comments on preliminary proposal and list of historians/archivists recommended as consultants to project of appraising FBI records

Mar 4-28

H. N selects three consultants from persons recommended by Council subcommittee

Mar 31-Apr 4

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-92 BY SP4 ESW/SMK**

66-3286-1346

ENCLOSURE

(1)

I. Consultants and NARS appraisers receive briefing from GSA and FBI representatives (1) Apr 21-22 (consultants)

(2) Mar 6-7 (appraisers)

1. N briefs consultants and appraisers on their functions and responsibilities
2. LR provides briefing on status of court case, including order and opinion of the court
3. FBI provides briefing on its method of operation and its recordkeeping system
4. NC provides briefing on the proposal for developing a retention plan and disposition schedule for FBI records

J. Consultants review proposal and provide comments/ concurrence on procedures for appraising FBI records Apr 23-May 2

K. N approves final proposal

May 2

II. Implementing the program

A. Program requirements

1. Retention plan and disposition standards will cover headquarters and field office records (note that the FBI Central Records System, which covers investigative records, also incorporates administrative and facilitative records)
2. Retention plan and disposition schedule will take classification by classification approach to records (FBI Central Records System has 209 primary classifications of records)
3. Appraisers will examine headquarters and field office records within each classification
4. Investigative records appraised as permanently valuable will include, at a minimum, "office or origin" files in the field as well as headquarters files
5. The criteria and procedures for selection of cases for permanent retention will permit only minimal discretion of FBI personnel in applying the criteria and making the selection

B. Actions by GSA appraisers in developing a retention plan for FBI records

1. Receive a briefing from GSA and FBI representatives (see I above for detail) Mar 6-7
2. Survey the Central Records System Mar 10-21
 - a. Review FBI investigative and administrative manuals for understanding of procedures for creating, maintaining, and disseminating records
 - b. Examine administrative ("OO") files within each classification of the Central Records System for information on function and content of the system's 209 classifications
3. Review the demand for FBI records, particularly demand under Freedom of Information and Privacy Acts Mar 24-28
4. Examine headquarters and field records (as many individual files as are necessary for obtaining an accurate appraisal) for each of the 209 classifications of the Central Records System
 - a. Examine headquarters files on classification by classification basis using four two-person teams of appraisers Mar 31-June 27
 - (1) Ca. 115 classifications involve routine appraisals and each each will require examination by only one team of appraisers (29 classifications per team): completion will take 15 workdays Mar 31-Apr 18
 - (2) Ca. 73 classifications involve difficult appraisals but each will require examination by only one team of appraisers (18 classifications per team): completion will take 25 workdays Apr 21-May 23
 - (3) Ca. 21 classifications involve complex appraisals, given controversial content and massive volume of records, and each will require examination by two teams of appraisers (10 classifications per team): completion will take 25 workdays May 27-June 27

4

b. Review preliminary findings and recommendations with consulting historians/archivists

June 30-July 3

c. Examine field records at three different field offices (classifications involving difficult or complex appraisals will be examined at two or three field offices, while remaining classifications will be examined at only one field office)

July 7-Aug 22

(1) Washington, DC - each of 208 classifications require examination (52 classifications per team): completion will take 25 workdays

July 7-Aug 8

(2) New York City - ca. 58 classifications require examination (15 classifications per team): completion will take 5 workdays

Aug 11-15

(3) Los Angeles - ca. 57 classifications require examination (15 classifications per team): completion will take 5 workdays

Aug 18-22

d. Review findings and recommendations with consulting historians/archivists

Aug 25-29

e. Collect necessary documentation during examination of records to support appraisal judgments of a classification by classification basis (e.g., volume of records at headquarters and field, number of files examined, types of cases within the classification, content of files, etc.)

5. Compare, through use of FARC professional staff, "auxiliary office" and "office of origin" field office files for same cases to determine whether contents of "auxiliary office" files duplicate contents of "office of origin" files (ca. 30 percent of field office files, in terms of volume, are "auxiliary office" files)

July 7-Aug 22

6. Draft the following documents

Sep 2-Oct 10

5

a. Retention plan for headquarters and field office records, fully justifying and documenting appraisal judgments for each classification of the Central Records System and incorporating provisions for conducting periodic inspections of the FBI's retention program for permanently valuable records (FPRM 101-11.403-4(e))

b. A report outlining the retention plan and describing the project of compiling it

7. Submit report and retention plan to consulting historians/archivists and Advisory Council subcommittee for comments/concurrence. Oct 14-31

8. Submit report and retention plan to N for approval and transmittal to FBI Nov 3-7

C. Actions by FBI in developing a records disposition schedule based on NARS retention plan Nov 10-Dec 19

1. Establish following elements of the disposition schedule

a. Retention periods for temporary records

b. Provisions for offering permanent records for transfer to NARS once they reach a specific age

c. Specific procedures for implementing any provisions of retention plan providing for selection of permanently valuable records

2. Submit disposition schedule to NARS for review and concurrence

D. Submission of retention plan and disposition schedule to Judge Harold H. Greene, United States District Court, for approval Jan 1981

Concurrence _____ (NC)

Concurrence _____ (LR)

Office of Federal Records Centers
National Archives and Records Service
February 25, 1980

66-3286-1347
CHANGED TO
66-19087-159X

AUG 26 1980

NBN/OC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/03 BY AUC 60290 BCE/DCG/gmw

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.:
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Serv. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Bailey

DATE: 4/14/80

FROM : P. L. Andrews

SUBJECT: FILE DESTRUCTION
CIVIL ACTION CASES

PURPOSE:

DESTRUCTION OF BUREAU PROPERTY - GENERAL

The purpose of this memorandum is to provide data regarding pending litigation cases for record purposes.

RECOMMENDATION:

None. For record purposes.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 E2W/3MK

APPROVED:

Director _____
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. *WLB/7/78*
Tech. Serv. _____
Training _____
Public Affs. Off. _____

DETAILS:

Pursuant to the Attorney General's instructions of 6/6/77 that all files related to pending litigation must be preserved, Legal Counsel Division has provided Records Management Division (RMD) with pertinent information regarding pending civil litigation and Freedom of Information and Privacy Acts litigation cases. RMD has subsequently provided this information to field offices and Legal Attaches for appropriate searching and identification. A similar process is conducted at Headquarters.

To insure that all pertinent subjects related to the cases are duly recorded, two individual attachments which have previously been forwarded for searching and retention purposes are attached herewith for record processing.

197-122

Enclosures (2)

- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews
- 1 -

CMG:kal

(4)

66-3286-
APR 30 1980

NOT RECORDED

APR 21 1980

b6

b7C

ORIGINAL FILED IN 107-122-35

Mr. Bailey

3/27/80

P. L. Andrews

ELSUR; DESTRUCTION OF
FIELD FILES AND RECORDS - *Mem*

PURPOSE:

To obtain approval to submit an appropriate schedule to the National Archives and Records Service (NARS) to allow the destruction of FBIHQ ELSUR Index cards that specifically and only relate to field office files subject to destruction.

SYNOPSIS:

Archival authorization has previously been secured for field office criminal records over five years old, security-related records over ten years old, and auxiliary office records over six months old. It appears that separate authority should be sought for ELSUR records to specifically define the retention period for field office files and indices and the FBIHQ ELSUR indices. A ten-year retention period is being requested for all ELSUR records including those related to criminal investigations.

RECOMMENDATION:

That, upon approval of this memorandum, the attached copies of Standard Form 115 be returned to the Records Branch for subsequent referral to NARS and the attached letter to the Department be approved and sent.

Enclosures

62-318

- 1 - Mr. Baynton
- 1 - Mr. Mintz
- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews

RWS:GL:kel (10)

- 1 - [Redacted]
- 2 - Mr. Scherrer
- 1 - 66-3286
- 1 - 66-19087

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-17-81 BY 6383 VRT/ [Redacted]
157 APR 29 1980

ORIGINAL FILED IN 62-318-18248

Memorandum P. L. Andrews to Mr. Bailey
RE: ELSUR; DESTRUCTION OF
FIELD FILES AND RECORDS

DETAILS:

In October, 1966, the Director instructed field offices to prepare two special index cards on all persons monitored electronically since 1/1/60, and forward one of these index cards to FBIHQ. The index cards forwarded to FBIHQ are now reposed in what is known as the FBIHQ ELSUR Index. In November, 1966, as a result of an opinion of the Department of Justice (DOJ), names of persons mentioned or discussed were likewise indexed. The practice of indexing the names of persons mentioned or discussed was discontinued as a result of a later reversing opinion of the DOJ.

As time went on, instructions have been sent out to the field requiring other ELSUR Index cards be made identifying persons targeted in wiretaps and microphone surveillances as well as identifying locations and/or telephones targeted and those persons owning, leasing or licensing premises monitored. Each and every one of the above-described index cards, be they overhear, mentioned, principals or proprietary interest cards, are cards prepared in field offices in duplicate and thereafter one copy is sent to FBIHQ. All of these ELSUR Index cards maintained at FBIHQ access records that are maintained in field offices. These ELSUR Index cards were not ever intended to nor are they used to access FBIHQ files. The useful purpose of these cards is to enable FBIHQ to quickly identify a field office or field offices in reference to a given name, that should be contacted to determine if in fact the person that is subject of an inquiry was of electronic surveillance interest or monitored in the field. By having a copy of each card at FBIHQ, the necessity of contacting all field offices each time a court raises a question is eliminated. In other words these FBIHQ ELSUR Index cards are a duplication of each initial reference in each field office and therefore an extension of the field office ELSUR indices.

On 7/13/79, Deputy Assistant Attorney General Robert L. Keuch orally authorized the destruction of field office ELSUR records and tapes unless otherwise restricted from destruction because of litigation, court order, Freedom

Memorandum P. L. Andrews to Mr. Bailey
RE: ELSUR; DESTRUCTION OF
FIELD FILES AND RECORDS

of Information/Privacy Acts review or appeal provided those records are more than ten years old regardless of whether in the area of National security, consensual, Title III or criminal intelligence. Mr. Keuch agreed that the Title III records cannot be destroyed until procedures are established in the near future to insure the statutory requirements regarding destruction are thoroughly defined and thereafter implemented. Mr. Keuch's opinion is being confirmed in writing.

Title 18, United States Code (USC) Section 2518(8) in referring to the destruction of the contents of any wire or oral communications intercepted according to that statute states that none of the contents of the intercepted communications, original court orders or original applications for orders can be destroyed unless ordered by the issuing or the denying judge and must be kept in any event for ten years.

As a result of the discussions with Mr. Keuch coupled with the above-cited provisions of Title 18, USC Section 2518(8), Mr. Keuch has indicated that destruction of field files and records regarding ELSUR matters should be limited to those files and records ten years old or older provided they are not otherwise restricted from destruction by law, litigation or otherwise. This ten-year rule would apply to all ELSUR records including those related to criminal investigations. It is noted that the previous field file and records destruction program regarding criminal files and records was five years for origin and six months for auxiliary offices.

The current publication in the "Federal Register" cites the ELSUR Index as a system of records of the FBI where in actuality the ELSUR Index is only a specific means to access the central records system (in the field) and identify those files containing ELSUR information. All ELSUR records in the field are maintained as a part of an investigative file and are not separate records in and of themselves.

In the event the ten-year plan for destruction of ELSUR files and records becomes a reality, it will be incumbent upon each field office destroying those records to likewise destroy the ELSUR Index cards in that office.

Memorandum P. L. Andrews to Mr. Bailey
RE: ELSUR; DESTRUCTION OF
FIELD FILES AND RECORDS

By the same token, it becomes necessary to have the field office purging ELSUR index cards send the purged cards to FBIHQ to use them to purge the companion cards maintained at FBIHQ. Failure to do so would leave index cards in the FBIHQ ELSUR index that would lead a searcher to no existing record. It is understood that the purge and destruction of these ELSUR index cards maintained at FBIHQ only ten years old or older would be in violation of current destruction regulations pertaining to Headquarters records and files.

No accurate estimate of the volume of the index cards at FBIHQ and in the field nor of the volume of the files and records in the field containing ELSUR information liable for eventual destruction is possible at this time. This is due to the fact that short of a file-by-file review in the field, those files containing ELSUR information are not identified until they are otherwise subject to review for destruction. It is noted, however, that FBIHQ ELSUR indices constitute 27.4 cubic feet of records.

In order to insure compliance with existing regulations, it is necessary to obtain NARS' approval to amend the field office destruction authority and to destroy the FBIHQ ELSUR index cards that are companion to and therefore a duplication of those references being destroyed in the field. In order to secure authorization, the appropriate number of copies of Standard Form 115 have been completed and are attached herewith for submission to NARS. We do not anticipate immediate approval of the attached disposal schedule; however, receipt of the schedule will alert NARS to a situation which could be addressed during their forthcoming review of FBI files and records and considered a part of any retention/destruction plan that is established.

The Deputy Attorney General
Attention: Mr. Robert L. Keuch

April 15, 1980

Director, FBI

DESTRUCTION OF FIELD FILES AND RECORDS:
ELECTRONIC SURVEILLANCE
(ELSUR) MATTERS

b6

b7C

This will confirm an oral opinion by Deputy Assistant Attorney General Robert L. Keuch on July 13, 1979, furnished to Supervisory Special Agent [redacted] Records Management Division, FBI Headquarters (FBIHQ). On the above date Mr. Keuch advised that, as a result of the termination of the project involving FBI review of prior responses to Department requests involving the search of FBI ELSUR records, the FBI should at this time address the matter of retention of ELSUR records in FBI field offices.

Mr. Keuch stated it was his opinion that no ELSUR records otherwise eligible for destruction should be destroyed until more than ten years old. This would serve to standardize the destruction of ELSUR records field-wide. Mr. Keuch noted that Title III requires retention for ten years and thereafter destruction can only occur with the permission of the court. He noted the Department has already ruled no National Security tapes or related ELSUR records can be destroyed unless more than ten years old.

Mr. Keuch was advised that ELSUR records which are related to pending litigation, or are under Freedom of Information or Privacy Act review or otherwise being subjected to review by Congress will not be destroyed until such time as authorized.

- 1 - Mr. Boynton
- 1 - Mr. Mintz
- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews
- 1 - [redacted]
- 2 - Mr. Scherrer
- 1 - 66-19087
- ① - 66-3286

66-3286-
NOT RECORDED
157 APR 23 1980

SEE NOTE PAGE THREE

66-3286-

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-19-81 BY 6383 KED

66 MAY 11 1980
(12)

DUPLICATE YELLOW
ELSUR INDEX

ORIGINAL FILED IN 62-310-10500

The Deputy Attorney General

In addition, a discussion followed as to the proper method to destroy Title III tapes and records since the FBI now has a few more than ten years old. Mr. Keuch requested a suggested procedure be provided by the FBI for the destruction of those records and he, at the same time, would generate a review of the law within the Department with emphasis toward standardizing the destruction procedure involving Title III tapes and records Government-wide.

Pursuant to the opinion of Mr. Keuch, the FBI will begin the destruction of ELSUR records in the field more than ten years old according to accepted guidelines provided by the National Archives and Records Service (NARS). The FBI is presently contacting NARS to obtain disposal authority for the ELSUR records. We do not anticipate immediate approval of the disposal schedule; however, receipt of the schedule will alert NARS to a situation which could be addressed during their forthcoming review of FBI files and records and considered a part of any retention/destruction plan that is established. ELSUR records involved in pending litigation, being reviewed pursuant to Freedom of Information and Privacy Acts requests, or involving National Security matters or otherwise restricted from destruction will not be destroyed. Title III records will not be destroyed until specific guidelines are adopted for the destruction of such records.

Approved: _____

Date: _____

The Deputy Attorney General

NOTE: In early 1978, as a result of internal audits conducted at Headquarters and in the field, a concern was developed that the ELSUR indexing in the past had been less than complete. The New York Office inspection in April, 1978, confirmed this suspicion, and a series of discussions were then held with Mr. Keuch in an effort to resolve whether legal damage could have, or did in fact, result.

A lengthy course of action was agreed upon between the FBI and Mr. Keuch and the final phase of the course of action included reviewing all of the previous requests from the Department involving the searching of records pertaining to electronic surveillance.

This final phase was addressed as a project and is the project referred to in this memorandum. The results of that project were furnished to Mr. Keuch by memorandum dated July 30, 1979, and that memorandum was provided to Mr. Keuch to confirm his opinion on July 13, 1979, that the project be discontinued, inasmuch as after completion of more than 40 per cent of the total project, no errors were identified in previous responses.

Confirmation of the opinion of Mr. Keuch was not submitted earlier in order to address questions raised internally regarding the ability of the FBI to respond to matters currently in litigation or in future litigation, particularly as litigative matters pertaining to file destruction. Questions raised internally have been resolved, therefore, it is timely to forward memorandum to Mr. Keuch.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

APR 11 12 57 AM '80

RECEIVED
INTELLIGENCE DIV.

APR 25 1980

15 AM

126

 DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 COMMUNICATION MESSAGE FORM

PAGE 1 OF 2

DATE

4/29/80

CLASSIFICATION

UNCLAS E F T O

PRECEDENCE

ROUTINE

START HERE

FM FM DIRECTOR FBI

TO TO ALL FBI FIELD OFFICES ROUTINE

ATTENTION APPLICANT COORDINATOR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 E2W/gmk

BT

UNCLAS E F T O

DESTRUCTION OF FIELD FILES AND RECORDS

REBULETS 1/11/80, 1/14/80, AND 2/7/80, CAPTIONED AS
 ABOVE INSTRUCTING THAT ALL, REPEAT ALL, FILE DESTRUCTION
 PROGRAMS CURRENTLY IN EFFECT FOR FBIHQ, FIELD OFFICES, AND
 LEGATS ARE TO BE IMMEDIATELY SUSPENDED.

A FORTHCOMING MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE
 REGARDING THE SUPPORT APPLICANT PROGRAM STATES THAT ALL
 SHORT EMPLOYMENT {SET} AND WORD RECOGNITION {WRT} TESTS
 ARE TO BE DESTROYED IN THE FIELD OFFICE BY THE APPLICANT
 COORDINATOR UPON MAKING AN APPROPRIATE RECORD OF THE APPLICANT'S
 TEST SCORES ON FORM FD-190b. DISREGARD THIS PORTION OF
 THE FORTHCOMING MEMORANDUM AND, UNTIL FURTHER NOTICE, DO

DO NOT TYPE MESSAGE BELOW THIS LINE

APPROVED BY

DRAFTED BY

DATE

ROOM

TELE EXT.

EMB (28)

4/29/80

6658/3

- 1 - DIRECTOR'S OFFICE
- 1 - EACH EXECUTIVE ASSISTANT DIRECTOR
- 1 - [REDACTED]
- 1 - MR. STEEL
- 1 - PUBLIC AFFAIRS OFFICE
- 1 - EACH ASSISTANT DIRECTOR
- 1 - MANUALS DESK
- 1 - [REDACTED]

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - [REDACTED]

b6

b7C

APR 30 1980

US 26572

64 MAY 13 1980

DO NOT FILE WITHOUT COMMUNICATIONS STAMP

FBI/DOJ

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATION MESSAGE FORM

PAGE 2

COMMUNICATION MESSAGE FORM

↓ START HERE

NOT DESTROY ANY TESTING MATERIAL, INCLUSIVE OF THOSE APPLICANTS
WHO HAVE BEEN UNFAVORABLY RECOMMENDED.

YOU ARE REMINDED THAT THE INTEGRITY OF THE TESTS MUST
BE MAINTAINED AND SHOULD BE CONTROLLED WITH LIMITED ACCESS
WITHIN THE FIELD OFFICE.

BT

1

DO NOT TYPE PAST THIS LINE

DO NOT TYPE MESSAGE BELOW THIS LINE

66-3286-1349
CHANGED TO
66-3286-B-34X6

AUG 26 1980

NBH/OC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCG/jmw

Assistant Attorney General
for Administration
Justice Management Division

W. L. Bailey
Assistant Director
Records Management Division

RECORDS DISPOSITION PROGRAM

FEDERAL GOVERNMENT

May 6, 1980

Destruction of Bureau Property

Reference is made to Order DOJ 2710.9A which establishes a program for the disposition of records of the Department of Justice in accordance with current Federal regulations. The Order has been reviewed and this Bureau concurs with the contents.

In connection with the Order, attached herewith, for the information of the Records Management Group, Records and Publications Staff, is a copy of the disposal schedule relating to Uniform Crime Reporting records which was previously delivered directly to the National Archives and Records Service (NARS) and is now awaiting final refinements by NARS personnel. A separate disposal schedule which relates to Electronic Surveillance (ELSUR) records is attached for submission to NARS.

The records disposition liaison officer is [redacted] Archives Specialist, telephone [redacted]

b6
b7C

Enclosures (2)

Note: By way of background, P. L. Andrews memorandum to Mr. Bailey, dated 1/8/80, captioned "Records Disposition Program - Destruction of Bureau Records" recorded receipt of DOJ Order 2710.9 which established the records disposition program for all components of the Department. DOJ Order 2710.9 has been cancelled and is superseded by DOJ Order 2710.9A.

66-3286

- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Andrews
- 1 - Mr. Scheffer
- 1 - [redacted]

CMG:kal (1)

66-3286-1350

CONTINUED

MAY 7 1980

b6
b7C

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E3W/gWK

MAY 15 1980

59 JUN 1980
MAIL ROOM

cc AD Inv.
cc AD Adm.
cc AD LES
st. Dir.
dm. Servs.
rim. Inv.
lent.
nell.
laboratory
egal Coun.
lan. & Insp.
cc. Mgnt.
ech. Servs.
training
dic. Affs. OH.
ophone Rm.
ector's Sec'y

Assistant Attorney General
for Administration
Justice Management Division

The basic content of the previous Order has not been altered. Instant Order provides the definition of "records" and titles of functional levels which have changed due to reorganization.

With our response, we are forwarding for information of the Records Management Group, Records and Publications Staff, a copy of the disposal schedule for Uniform Crime Reporting records which was sent directly to NARS and completed copies of a disposal schedule for ELSUR records for subsequent submission to NARS. Copies of the disposal schedules and Order DOJ 2710.9A are attached for information.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Exec. AD-Inv. _____	Ident. _____	Rec. Mgnt. <u>WLB/PA</u>
Exec. AD-Adm. _____	Intell. _____	Tech. Servs. _____
Exec. AD-LES _____	Laboratory _____	Training _____
		Public Affs. Off. _____

735

REQUEST FOR RECORD: DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: **GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408**

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Justice

2. MAJOR SUBDIVISION

Federal Bureau of Investigation

3. MINOR SUBDIVISION

Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

Paul L. Andrews

5. TEL. EXT.

LEAVE BLANK

JOB NO.

DATE RECEIVED

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

b2

Date

Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☐ A Request for immediate disposal.

☒ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE

3/25/80

D. SIGNATURE OF AGENCY REPRESENTATIVE

Paul L. Andrews

E. TITLE

Section Chief

7. ITEM NO.

1.

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

Investigative files, index cards, tapes, logs, transcripts, and related material maintained at Federal Bureau of Investigation (FBI) field offices and duplicate access cards maintained at FBI Headquarters (FBIHQ) which records compose the Electronic Surveillance (ELSUR) Indices. Headquarters indices are a duplication of field office indices and enable FBIHQ to identify the field office(s) to be contacted if the subject of an inquiry was of electronic surveillance interest or monitored in the field office(s). ELSUR records are maintained in field offices as part of the investigative file and are both criminal- and security-related. Proposed retention period will be consistent with Title 18, United States Code, Section 2518(8), which states that contents of the intercepted communication, original court orders or original applications for orders may not be destroyed unless ordered by the issuing or the denying judge and must be retained in any event for ten years. This will amend Job NC 1-65-79-10 to insure that all ELSUR records are retained for at least ten years, whether criminal- or security-related

9. SAMPLE OR JOB NO.

10. ACTION TAKEN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EFW/gmk

115-107

66-3286-1350

ENCLOSURE

STANDARD FORM 115
Revised April, 1975
Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4

Request for Records Disposition Authority—Continuation		JOB NO.	PAGE OF 2 of 2
7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>and whether maintained in office of origin (controlling office) or auxiliary (lead) office. (Records System Justice/FBI-006, as printed in the Federal Register, Thursday, September 28, 1978, provides a further description of the ELSUR Indices). FBIHQ ELSUR Indices constitute 27.4 cubic feet of records.</p> <p>A. <u>DISPOSITION of field office records covered by Title 18, United States Code, Section 2518(8)</u> Destroy after ten years upon orders of the issuing or denying judge.</p> <p>B. <u>DISPOSITION of field office records not covered by above citation</u> Destroy after ten years or when administrative needs have been met, whichever is later.</p> <p>C. <u>DISPOSITION of corresponding FBIHQ access card</u> Destroy upon notification that field office records have been destroyed.</p>		

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK

JOB NO.

NC 1-65-79-28

DATE RECEIVED

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303, the disposal of records, including amendments, is approved except for items that be changed, delayed, not approved, or withdrawn.

b2

Date: _____ Archivist of the United States

TO: **GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408**

1. FROM (AGENCY OR ESTABLISHMENT)
Department of Justice

2. MAJOR SUBDIVISION
Federal Bureau of Investigation

3. MINOR SUBDIVISION
Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

Paul L. Andrews

5. TEL. EXT.

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of 7 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☐ **A** Request for immediate disposal.

☒ **B** Request for disposal after a specified period of time or request for permanent retention.

C. DATE

8/13/79

D. SIGNATURE OF AGENCY REPRESENTATIVE

Paul L. Andrews

E. TITLE

Section Chief

7. ITEM NO.

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

9. SAMPLE OR JOB NO.

10. ACTION TAKEN

1.

UNIFORM CRIME REPORTING (UCR) RECORDS

The annual publication of the Federal Bureau of Investigation (FBI), "Crime in the United States," and the quarterly UCR reports (preliminary release) are compiled through the use of reports from which statistical data submitted by law enforcement agencies by city, county, and state are assembled. The UCR Program has been in effect since 1930, at which time the FBI was authorized by Congress to serve as the national clearinghouse for statistical information on crime. This schedule will broaden the disposal schedule (Job No. 351-S114), approved 12/11/50, to encompass all records created or received in conjunction with the UCR program.

A. "Crime in the United States." Annual publication which incorporates all facets of crime offenses received from law enforcement agencies by narrative and charts. Crime trends and rates by locality; urban, suburban, and rural arrest trends by age,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 C2W/3411

66-3286-1350

Request for Records Disposition Authority - Continuation

JUL 1974

PAGE OF
2 OF 77.
ITEM NO8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)9.
SAMPLE OR
JOB NO10.
ACTION TAKEN

sex and race; and law enforcement employees assaulted or killed by population group. 14 cubic feet.

DISPOSITION: Past issues are available through the U.S. Government Printing Office. A limited number of issues will be retained indefinitely for reference purposes.

B. The Quarterly UCR reports (preliminary release).

Published quarterly to provide crime trends in the U. S., regions, counties and cities and crime counts within cities with 100,000 or more inhabitants. Since the releases are followed by the annual publication, lengthy retention periods are unnecessary.

DISPOSITION: Destroy with exception of current and previous year.

C. "Crime in the United States" manuscript.

Prepared by UCR in handwritten copy, typed copy, and data processing printouts with proof/edit symbols. Manuscript is used by the Government Printing Office to compile the annual publication and returned. 5 cubic feet.

DISPOSITION: Retain 5 years after publication of annual and destroy.

D. UCR handbook

Published to aid contributors to the UCR Program in the preparation of Uniform Crime Reports. Publication is revised and reprinted whenever significant changes in definitions became effective. Related records include the manuscript. Less than 1 cubic foot.

Request for Records Disposition Authority-- Continuation

JOB NO

PAGE OF
3 of 7

7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO	10. ACTION TAKEN
	<p><u>DISPOSITION of handbook:</u> Limited number retained indefinitely for reference value.</p> <p><u>DISPOSITION of manuscript:</u> Retained until subsequent edition is printed.</p> <p>E. <u>The Return A reports.</u></p> <p>Contains the number of offenses reported to local law enforcement, the number later proved to be unfounded, the number of actual offenses, the number of offenses cleared by arrest and the number of offenses cleared wherein persons under 18 years of age were involved. Actual offense and clearance data are entered into the FBI Data Processing (DP) System and printed onto quarterly and yearly record cards. Offense data are printed in quarterly releases and the annual publication. The clearance data are reported in the annual publication. 56 cubic feet.</p> <p><u>DISPOSITION of Return A reports:</u> Retain 18 months and destroy.</p> <p><u>DISPOSITION of record cards:</u> Microfilm after 30 months and destroy.</p> <p>F. <u>Supplementary Homicide Reports (SHR)</u></p> <p>Used to collect data concerning murder victims and offenders, weapon used, relationship of victim to offender, motives, justifiable/unfounded homicides and manslaughters by negligence. Data regarding murders is recorded in the FBI/DP system and reported in the annual publication. 28 cubic feet.</p> <p><u>DISPOSITION:</u> Hardcopy material is destroyed after 18 months; data is stored on magnetic tape indefinitely.</p>		

Request for Records Disposition Authority - Continuation

(FORM NO.)

PAGE OF
4 of 7

7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO	10. ACTION TAKEN
	<p>G. <u>Supplement to Return A reports.</u></p> <p>Used to collect more detailed information regarding the number of actual offenses reported on the Return A which include the value of property stolen and recovered. <u>Age, Sex, and Race (ASR) of Persons Arrested reports</u> collect detailed arrest statistics concerning persons arrested by local law enforcement agencies. The Law Enforcement Officers Killed or Assaulted (LEOKA) reports collect the number of local police officers killed or assaulted. The data detail the type of weapon used in the assault, the type of assignment the officer was on at the time of assault, the type of activity in which the officer was engaged and whether the officer was injured. The data collected in Return A, ASR, and LEOKA are entered into the FBI/DP system and printed in the annual publication. Summary record cards are printed annually for each agency's report. 386 cubic feet.</p> <p><u>DISPOSITION of reports:</u> Destroy hard-copy material after 18 months.</p> <p><u>DISPOSITION of summary record cards:</u> Microfilm and destroy after 30 months.</p> <p>H. <u>The Law Enforcement Employees report.</u></p> <p>Used to collect the number of full-time law enforcement employees by male/female, sworn officers, and civilians. The data are entered into the FBI/DP system and printed in the annual publication. 8 cubic feet.</p> <p><u>DISPOSITION:</u> Destroy after 2 years; data for each agency are stored indefinitely on magnetic tape.</p>		

Request for Records Disposition Authority - Continuation

JOB NO

PAGE OF

5 of 7

7.
ITEM NO8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)9.
SAMPLE OR
JOB NO10.
ACTION TAKENI. Population Source Data.

Used to estimate the population of local and county agencies on an annual basis. Estimates are entered into the FBI/DP system. 17.5 cubic feet.

DISPOSITION of source data: Retain for 3 years and destroy.

DISPOSITION of populations ascribed to contributing agency:

Microfilm after 30 months and destroy in conjunction with disposition of Return A.

J. Correspondence.

Correspondence with local law enforcement agencies concerning uniform crime reports and records. Material dated from 1930 and is valuable for reference purposes. 56 cubic feet.

DISPOSITION: Retain indefinitely.

K. "Assaults On Federal Officers" publication.

Annual publication initiated in 1972 provides an analysis of the assaults on certain officers and officials of the United States Government to illustrate the hazards facing personnel involved in the enforcement of our laws, the protection of officials, and the prosecution and confinement of law violators. Through the study, agencies may adopt procedures to reduce the frequency of potentially dangerous situations and become more alert to their existence. Information is obtained through reports of investigations conducted by the FBI, the Department of the Treasury, and the United States postal service.

DISPOSITION of annual publication:

Retain indefinitely for reference value.

Request for Records Disposition Authority—Continuation

JOB NO.

PAGE OF
6 OF 7

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p><u>DISPOSITION of manuscript:</u> Camera-ready copy destroyed after publication is printed.</p> <p><u>DISPOSITION of source documents:</u> Destroy upon distribution of publication. Source documents are copies of reports maintained at FBI, Treasury and Postal Services.</p> <p>L. <u>"Bomb Summary" publication.</u></p> <p>Annual publication first published in 1972 to provide meaningful information on bombing crimes. Information is gathered from FBI field offices and, in the absence of a Federal violation, dependence is placed with the public safety agencies which advise the FBI when such attacks occur. Backup data include the manuscript and Form FD-436 which is used to collect bomb data. 3 cubic feet.</p> <p><u>DISPOSITION of annual publication:</u> Retain indefinitely for reference value.</p> <p><u>DISPOSITION of manuscript:</u> Camera-ready copy destroyed after publication is printed.</p> <p><u>DISPOSITION of Form FD-436:</u> Retain indefinitely for reference value.</p> <p>M. <u>"Law Enforcement Officers Killed" publication.</u></p> <p>Published annually since 1972 to alert law enforcement personnel to types of potentially dangerous situations to aid in the prevention of further line-of-duty deaths. Nearly 15,000 law enforcement agencies contribute monthly to the UCR program and supply preliminary data concerning law enforcement officers killed. FBI field offices report</p>		

Request for Records Disposition Authority - Continuation

JOB NO

PAGE OF
7 OF 77.
ITEM NO8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)9.
SAMPLE OR
JOB NO10.
ACTION TAKEN

incidents occurring within their jurisdictions and Legal Attache offices provide data on the death of US law enforcement officers on duty abroad. Related records include manuscript and source documents. 10 cubic feet.

DISPOSITION of annual publication:

Retain indefinitely for reference value.

DISPOSITION of manuscript: Camera-

ready copy destroyed after publication is printed.

DISPOSITION of source documents:

Retain indefinitely for reference value.

N. Manual of Police Records.

A concise outline of basic record procedures to provide a guide to law enforcement administrators who are establishing a police records system for the first time or as reference to law enforcement officials seeking to improve on existing recordkeeping tasks. The Manual provides an outline on the records pertinent to complaints, investigations, arrests, dispositions, and closely related matters. Revisions are made only as significant progress is made in the field of police records. Related record is the manuscript. Less than 1 cubic foot.

DISPOSITION of publication: Retain

indefinitely for reference value.

DISPOSITION of manuscript: Retained for the most recent issue.

CLEARANCE RECORD	TYPE OF DOCUMENT Order	IDENTIFICATION (if any) DOJ 2710.9A
SUBJECT Records Disposition Program	NAME Robert M. Yahn	BY OFFICE and EXTENSION Records Management Group

EXPLANATION OF ISSUANCE (Continue on reverse)

This order establishes a program for the disposition of records of the Department of Justice (DOJ) in accordance with 44 U.S.C. 3102 and the General Services Administration Federal Property Management Regulations. This revision adds the definition of terms in paragraph 4, and requires that changes in designation of records disposition liaisons be reported in paragraph 7.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCG/jaw

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EIW/gmk

PROPOSED DISTRIBUTION (Write out - Do not use code)

BUR/H-2. First & second level, headquarters, all bureaus.

OBD/H-2. First & second level, headquarters, all offices, boards and divisions.

ORIGINATING OFFICE CLEARANCE

TITLE Assistant Attorney General for Administration	DATE 4/2/80	DEADLINE DATE FOR CLEARANCE 6 MAY 1980
---	----------------	---

ORGANIZATION	SIGNATURE	DATE	Concur Sub. & Dist.		Non-Concur Comments Attached	Comments Accepted Changes Made
			No Comment	Comment Attached		
LEAA						
USMS						
DEA						
FBI						

FINAL ADMINISTRATIVE CLEARANCE

ORGANIZATION JMD/RPS/RMG/RCS	SIGNATURE	DATE 3/21/80
AFTER APPROVAL SEND TO: DOJ DMO, JMD, Room 6234,		APPROVAL DATE

United States Department of Justice

DJ FORM - 178
(Ed. 7-1-71)

66-3286-1350

ENCLOSURE

**DEPARTMENT
OF JUSTICE**

Order

DOJ 2710.9A

Subject: RECORDS DISPOSITION PROGRAM

1. PURPOSE. This order establishes a program for the disposition of records of the Department of Justice (DOJ) in accordance with 44 U.S.C. 3102 and the General Services Administration Federal Property Management Regulations.
2. SCOPE. This order applies to all components of the DOJ.
3. CANCELLATION. DOJ Order 2710.9 is cancelled.
4. DEFINITION OF TERMS.
 - a. Records. As defined in the Records Disposal Act of 1943 (now 44 U.S.C. 3301), ". . . books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. . . ."
 - b. Disposition. As described in 41 CFR 101-11.102-5, "provisions . . . made to insure that records of continuing value are preserved but that records no longer of current use to an agency are promptly disposed of or retired. Effective techniques for accomplishing these ends are the development of records control schedules; the transfer of records to records centers and to the National Archives; the microfilming of appropriate records; and the disposal of valueless records."
5. PROGRAM OBJECTIVES. The basic objectives of the records disposition program are:
 - a. The timely and systematic removal of records deemed temporary by

Distribution: BUR/H-2, OBD/H-2

Initiated By: Justice Management
Division, Records and
Publications Staff

FS
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY *AUC 100290 RCB/DCG/jmw*

the creating component, the Department and the Government for later destruction by the Department or a Federal Archives and Records Center.

- b. The designation of permanent records having sufficient historical and archival values to warrant immediate or later transfer to the National Archives for permanent preservation.

6. RESPONSIBILITIES.

- a. Justice Management Division. The Records Management Group (RMG), Records and Publications Staff (RPS), Justice Management Division shall:

- (1) Establish general records disposition policy and standards for the DOJ.
- (2) Act as a liaison with the National Archives and Records Service (NARS) for Department program direction.
- (3) Review all requests for records disposition authority (Standard Form 115) which are originated by Offices, Boards, Divisions and Bureaus and submit them to NARS for approval.
- (4) Provide assistance and advice on records disposition matters to officials throughout the Department.
- (5) Evaluate the Department's program periodically to ensure its operation at peak efficiency.

- b. Offices, Boards, Divisions and Bureaus. Each Office, Board, Division and Bureau shall:

- (1) Implement policy and standards for records disposition set forth in guidance published by the Department and the General Services Administration (Federal Property Management Regulations). Submit any supplementary program guidance to RMG for review prior to issuance (Offices, Boards, and Divisions only).
- (2) Submit all requests for records disposition authority (Standard Form 115) to NARS via RMG.
- (3) Ensure timely removal from office space and equipment of noncurrent records.

- ENT 53201
ORIGINAL XPS
- (4) Encourage the use of Federal records centers as storage facilities for records with reduced reference activity.
 - (5) Ensure that records of archival value are identified properly for eventual transfer to NARS.
 - (6) Establish a central point for approval or disapproval of all requisitions for filing equipment by evaluating need and by checking compliance with authorized records disposition instructions.
 - (7) Provide adequate staff to carry out program responsibilities.
 - (8) Ensure that program staff are adequately trained in coordination with RMG.

7. DESIGNATION OF RECORDS DISPOSITION LIAISON. Each Office, Board, Division and Bureau shall designate a records disposition liaison officer to serve as the primary contact point for the component, including its field offices, and advise RMG in writing of the name of that individual. Changes in designation should be reported as soon as possible.

KEVIN D. ROONEY
Assistant Attorney General
for Administration

ENT 53201
ORIGINAL XPS

~~CONFIDENTIAL~~

3 ~~(X)~~

~~CONFIDENTIAL~~

66-3286-1351

CHANGED TO

66-19087-160X2

MAR 17 1981

NBH/RKS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/23/03 BY DAK 1000 POC/DOJ/4-10

Memorandum



Exec AD Inv. _____
 Exec AD Adm. _____
 Exec AD LES _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. *OK*
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. *OK*
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Mr. Bayse *was*

Date 2/26/81

From : *TE*
TE

Subject : DESTRUCTION OF PROTECTION TAPE
RECORDINGS STORED IN THE SIGNAL
ANALYSIS UNIT

Destruction of Bureau Property - General

PURPOSE: To request authorization to destroy tape recordings that are being maintained in the Signal Analysis Unit.

DETAILS: On a yearly basis, the Signal Analysis Unit (SAU) receives approximately 1800 tape recordings from the FBI and other Federal, state and local law enforcement agencies for examination. Usually, the SAU case examiner makes a protection copy of the submitted recording which is stored in the SAU. This protection copy will be used as the next best evidence if anything happens to the original recording as it is being returned to the contributor or to refresh the memory of the case examiner before trial.

At the present time, the SAU has several thousand magnetic tape recordings that are protection copies of tape recordings that have been submitted for examination by various contributors.

Experience indicates that after four years these tape recordings are not normally required. It is being recommended that the SAU be authorized to destroy all of these tape recordings that are over four years old on an annual basis.

RECOMMENDATION: That the SAU be authorized to destroy all protection tape recordings that are over four years old on a yearly basis.

APPROVED: _____
 Adm. Serv. _____
 Crim. Inv. _____
 Director _____
 Exec. AD-Adm. _____
 Exec. AD-LES _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____

NOT RECORDED

38 APR 14 1981

- 1 - Mr. Finzel
- 1 - Mr. Mintz
- 1 - Mr. Bayse

1 - *[Redacted]*
 1 - *[Redacted]*
 1 - *[Redacted]*

JLL:jmh (7)

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 9-29-92 BY SP4 EFW/gmk

MAR 23 1981

LEGAL COUNSEL-3645

ADDENDUM: LEGAL COUNSEL DIVISION - PAGE 2

RECORDS MANAGEMENT DIVISION ADDENDUM PAGE 3.

9 MAY 1 1981

FBI/DOJ

ORIGINAL FILED IN 66-19193-488

Memorandum from [redacted] to Mr. Bayse
Re: DESTRUCTION OF PROTECTION TAPE
RECORDINGS STORED IN THE SIGNAL
ANALYSIS UNIT

b6
b7C

ADDENDUM: LEGAL COUNSEL DIVISION (LCD), 3/11/81, CER: [signature]

The Technical Services Division (TSD) recommendation to destroy all protection tape recordings that are over four years old, if approved, would be in violation of the preliminary injunction (enjoining the destruction of all FBI files and records) which was issued by Judge Harold H. Greene on 1/10/80, in the case captioned American Friends Service Committee, et al. v. William H. Webster, et al., Civil Action Number 79-1655 (U.S.D.C., D.C.).

These "protection copies" are the only copies that the FBI maintains; they were created in connection with official FBI investigations/examinations; and they constitute documentary materials within the definition of "record" in 44 U.S.C. 3301. They should, therefore, remain incorporated in the FBIHQ Central Records System and be subject to appraisal by the National Archives and Records Service (NARS) prior to any destruction being requested. This appraisal is being conducted pursuant to the 1/10/80 Court Order, described supra.

RECOMMENDATION: That the protection tape recordings be furnished to Records Management Division and treated as permanent records subject to appraisal by NARS.

- 1 - Mr. Finzel
- 1 - Mr. Mintz
- 1 - Mr. Bayse
- 1 - [redacted]
- 1 - [redacted]
- 1 - [redacted]

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____		Rec. Mgmt. _____
Exec. AD-Adm. _____	Ident. _____	Tech. Servs. _____
Exec. AD-Inv. _____	Intell. _____	Training _____
Exec. AD-LES _____	Laboratory _____	Off. of Cong. & Public Affs. _____

[signature] 838
F/Rux

b6
b7C

RE: [REDACTED] to Mr. Bayse memorandum, 2/26/81
DESTRUCTION OF PROTECTION TAPE
RECORDINGS STORED IN THE SIGNAL
ANALYSIS UNIT

b6

b7C

ADDENDUM OF RECORDS MANAGEMENT DIVISION (RMD) (RWS:evp 3/23/81)

In accordance with Legal Counsel Division's addendum dated 3/11/81 to instant memorandum, the tapes being retained by the Signal Analysis Unit will be made a bulky enclosure to instant memorandum and stored on the bulky ramp, RMD. The National Archives and Records Service (NARS) will take up the destruction of the tapes described in instant memorandum with the NARS appraisal team who are presently visiting FBIHQ and a four-year retention schedule will be requested. It is anticipated that NARS will develop retention schedules for all FBI records and that after the submission of disposition schedules by FBIHQ to Judge Greene, a records destruction program will be resumed.

APPROVED:

Adm. Serv. _____

Legal Coun. _____

Comm. Inv. _____

Plan. & Insp. _____

Director _____

Exec. AD-Adm. _____

Exec. AD-Inv. _____

Exec. AD-LES _____

[Handwritten signatures and initials]
7/1/81
W.B.C.

4/RW
FBI/DOJ

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : R. P. Jinnel - R.P. J/eth
FROM : R.W. Scherrer - R.W. S/eth
SUBJECT:

DATE:

The attached _____ has been received in the Records Branch, appropriately initialed, and indicated for file. By use of instant transmittal memorandum, all necessary recording and indexing will be accomplished. It is to be noted this form is for internal use only within the Records Branch, principally by the Routing Unit where bulky material not accompanied by memorandum is usually received.

The enclosure, if bulky and not usually filed with other papers in file, may be detached but this action should be clearly noted under the word "Enclosure."

Enc.

ENCLOSURE

ENCLOSURE ATTACHED

66-3286-

NOT RECORDED

7 JAN 22 1981

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E2W/guk



57 FEB 4 1981

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Finzel *F/R*

DATE: 2/10/81

FROM : R. W. Scherrer *RWS*

SUBJECT: DESTRUCTION OF RECORDS;
NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
APPRAISAL OF FBIHQ AND FIELD RECORDS

PURPOSE:

To record details of contact by NARS officials to develop a methodology for a plan to appraise FBIHQ and field records in order to develop new retention schedules.

RECOMMENDATION:

For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 EFW/gmk

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____		Rec. Mgnt. <i>F/R</i>
Exec AD Inv. _____	Ident. _____	Tech. Servs. _____
Exec AD LES _____	Intell. _____	Training _____
Asst. Dir. _____	Public Affs. _____	Telephone Rm. _____
	Director's Sec'y _____	

SYNOPSIS:

Details of contacts by NARS officials with FBIHQ on 2/2,3,5/81, for assistance in formulating methodology for development of a plan for the appraisal of FBIHQ and field records set forth. Deadline for presenting NARS appraisal plan to U. S. District Court, Washington, D. C., established by the Archivist as 4/1/81. NARS has tentative plans to commence appraisal of FBIHQ and field records by 4/15/81, should appraisal plan be approved by the Court.

~~ENCLOSURE~~
Enclosures (4)

- 1 - Mr. Mintz (Attn:)
- 1 - Mr. Finzel
- 1 - Mr. Andrews
- 1 -
- 1 - Mr. Scherrer

b6

b7C

RWS
RWS:evp

CONTINUED OVER

b6

b7C

64 FEB 24 1981

RECORDED

FBI DO

66-3286-164861-99

Memo R. W. Scherrer to Mr. Finzel
DESTRUCTION OF RECORDS;
NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
APPRAISAL OF FBIHQ AND FIELD RECORDS

DETAILS:

On 2/2/81, Dr. Charles Dollar, Director of the Office of Program Development, NARS, telephonically contacted me to advise that the Archivist desired a new plan for the appraisal of FBIHQ and field records for submission to U. S. District Judge Harold Greene, Washington, D. C., in order to comply with Judge Greene's Opinion and Order dated 1/10/80. Dr. Dollar stated that the Archivist desired a more detailed plan than had been previously developed by NARS in early 1980. Dr. Dollar requested to personally meet with me at FBIHQ in order to discuss the methodology for the conduct of the NARS appraisal.

On 2/3/81, I met with Dr. Dollar at FBIHQ. Also present were [redacted] Chief of the Records Research Staff and [redacted] Records Management Division Archivist and Historian. Dr. Dollar stated that the Archivist had set a 4/1/81 deadline for the development of an appraisal plan for submission to Judge Greene. Dr. Dollar stated that if Judge Green approved the appraisal plan, NARS hoped to commence their appraisal by 4/15/81. Dr. Dollar noted that the Archivist considered that an impartial, professional NARS appraisal of FBI records was one of the most important tasks ever undertaken by NARS, in that the credibility and authority of NARS were at stake. I informed Dr. Dollar that the FBI was extremely desirous of assisting NARS in any way possible in their appraisal of FBI records and the development of a records retention schedule. I pointed out to Dr. Dollar that the long delay by NARS in commencing with their appraisal, which had been caused by NARS' adamant stand over access to Internal Revenue (IRS) and Grand Jury (6E) information contained in our files, had caused considerable hardship and expense, both to FBIHQ and the field. As an example, I informed Dr. Dollar that, because of security considerations, it had been necessary to retire a large volume of inactive records holdings to FBIHQ, which normally would be eligible for destruction, from certain Legal Attache Offices situated in sensitive locations. Dr. Dollar stated he was sympathetic to the FBI's position and promised to do everything possible to expedite the NARS appraisal of our records holdings and the development of a retention schedule acceptable to the court which would permit us to resume destruction. Dr. Dollar advised that a seven member NARS task force had been formed to develop the methodology for the development of an appraisal plan.

b6
b7c

Memo R. W. Scherrer to Mr. Finzel
DESTRUCTION OF RECORDS;
NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
APPRAISAL OF FBIHQ AND FIELD RECORDS

Dr. Dollar requested that the task force be provided a general briefing on the FBI's Central Records System and afforded an appropriate tour of Records Management Division's filing and mail processing subunits. He also requested that statistical data be compiled with regard to the volume of records at FBIHQ by classification and also the total number of cases in each classification. A briefing and tour was arranged for Dr. Dollar and his task force for the afternoon of 2/5/81.

On 2/5/81, Dr. Dollar and his task force visited FBIHQ. After introductory remarks by Inspector-Deputy Assistant Director Bresson, Dr. Dollar and his group were afforded a briefing of the FBI's Central Records System and were given a ✓ tour as requested (see copy of program attached). The statistical data requested by Dr. Dollar on 2/3/81 was presented ✓ to him (see copy attached). Dr. Dollar presented a list of questions prepared by the NARS task force regarding the FBI's ✓ Central Records System (copy attached), which were answered and explained at length. Dr. Dollar requested that similar statistics (i.e., volume of records by classification and number of cases by classification) be obtained for each field office. ✓ I agreed to obtain this data for Dr. Dollar, and the appropriate teletype (copy attached) was sent to all SACs and Legats on 2/6/81. Dr. Dollar also requested that the task force be furnished with the number of drawers by letter in the inactive and active index. I agreed to secure this information and furnish same to Dr. Dollar at a later date. Finally, Dr. Dollar asked to borrow a copy of instructions utilized by employees of the Classifying Subunit. I agreed and furnished same to Dr. Dollar on 2/9/81.

Dr. Dollar and members of the task force were most appreciative of the briefing and tour. Prior to his departure from FBIHQ, I reminded Dr. Dollar that, regardless of the disposition of the question of access by NARS to IRS and Grand Jury information contained in FBI files, all files selected for review by NARS in connection with the appraisal would be pre-screened by FBI employees and the identities of all sources, assets and informants contained in these files would be masked. Dr. Dollar advised that this arrangement was acceptable to NARS.



PERSONAL ATTENTION
MEMORANDUM 39-80
U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 24, 1980

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE:

(A) DESTRUCTION OF FIELD FILES AND RECORDS

Destruction of Bureau Property - General

Reference is made to Bureau teletypes dated January 11 and 14, 1980, ordering an immediate and total suspension of all record destruction programs as the result of the preliminary injunction issued by Judge Harold H. Greene, U.S. District Court, District of Columbia, on January 10, 1980. The order has been modified somewhat and limited destruction authority for certain administrative records is now being granted. Receipt of complete destruction authority is not anticipated until final resolution of pending litigation which entails the review by the National Archives and Records Service (NARS) of Headquarters and field office files, including administrative records which remain under restriction.

Record categories have been reviewed and greatly expanded to derive full benefits from the modified order. Retention periods have also been adjusted in some instances to conform with retention periods authorized by the General Services Administration and the revisions should be observed. Manual changes are being prepared to denote the modifications; however, the changes are not complete due to the composite nature of the records and the limited authority granted. Therefore, this communication and BUAirtel, 5/30/80, captioned "Destruction of Field Files and Records," regarding the disposition of physical evidence, should serve as the only guides and authority to engage in a destruction program until the litigation is completely resolved.

All records filed in Bureau Classifications 1 through 213 are subject to review by NARS and, with the exception of the administrative records set forth hereafter, should not be destroyed. Records relating to certain personnel

11/24/80
MEMORANDUM 39-80

59 DEC 15 1980

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-18-81 BY 6393 YR/af

NOT RECORDED
26 DEC 2 1980

Original Filed in 66-04-4335

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

matters; i.e., Conflict of Interest case files; Equal Employment Opportunity (EEO) records; Personnel Counseling records, including interviews and analysis and records relating to the Alcohol and Drug Abuse Program; Standards of Conduct files; Grievance, disciplinary and adverse action files; personal injury files; and temporary records relating to promotions continue to be restricted by the original court order. Budget preparation, presentation, and apportionment records; Informational services records (i.e., general correspondence with the public and Freedom of Information and Privacy Acts correspondence); Administrative management records (i.e., official directives, forms, and records management files, and publications); Security and protective service records (i.e., classified documents control records, facilities security and checks, guard assignments, police functions, key control); Research and development records; Machine-readable records; and Audio-visual records continue to be restricted. Generally, these record groups are created and maintained at FBIHQ; however, all offices will continue to retain records of this nature until pending litigation is fully resolved.

Authority is granted to implement a limited destruction program according to record categories/retention periods as follows:

FILES AND RECORDS TO BE DESTROYED AFTER SIX YEARS,
THREE MONTHS, IF CERTAIN CONDITIONS ARE MET

Field Support Account - Including cancelled checks, bank statements, check stubs, and bank passbooks. Destroy six years, three months, after period covered by account for records created after Fiscal Year 1975 (June 30, 1975).

NOTE: Records created prior to Fiscal Year 1976 (July 1, 1975) must be retained for ten years, three months, after period covered by account.

RECORDS TO BE DESTROYED AFTER SIX YEARS, IF CERTAIN
CONDITIONS ARE MET

(1) Automobiles - Accidents - Retain if loss of life, personal injury to third party, or possible suits involved.

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

(2) Health Record Cards - Containing date of employees' visits, diagnosis, and treatment. Destroy six years after date of last entry.

RECORDS TO BE DESTROYED AFTER FOUR YEARS, IF CERTAIN CONDITIONS ARE MET

Automobiles - After vehicle leaves custody by sale, transfer, donation, or exchange.

FILES AND RECORDS TO BE DESTROYED AFTER THREE YEARS, IF CERTAIN CONDITIONS ARE MET

- (1) Time and Attendance Register, FD-420
- (2) Registers No. 1, FD-31
- (3) Registers No. 2, FD-48
- (4) Registers No. 3, FD-256
- (5) Leave Accounting Listings
- (6) Leave Requests, FD-282
- (7) Record of Absences for Illness, FD-304
- (8) Doctors Certificates
- (9) Application for Leave, SF-71
- (10) Correspondence relating to position classification appeals. Destroy three years after resolution.
- (11) Correspondence relating to employee appeals of performance ratings. Destroy three years after resolution.
- (12) Tax Exemption Files - Tax exemption certificates and related papers. Security informants Income Tax Account Banking records. Destroy three years after period covered by related account.

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

- (13) Telephone Toll Statements, invoices, and toll slips
- (14) Report of Excess Personal Property, SF-120
- (15) Correspondence, reports, and data relating to voucher preparation
- (16) Imprest Fund
- (17) Charity campaigns
- (18) Bills of lading
- (19) Government Transportation Requests and related correspondence
- (20) Household goods - Transportation
- (21) Correspondence relating to reimbursing individuals, such as travel orders, per diem vouchers, transportation requests, hotel reservations, and all supporting papers documenting official travel by officers, employees, dependents, or others authorized by law to travel.
- (22) Lost or damaged shipment files - Schedules of valuables shipped and related correspondence
- (23) Monthly recap of cost of operation and accrued mileage of Bureau-owned motor vehicles, FD-150
- (24) Radio equipment maintenance log, FD-341. Retain for three years after completion.
- (25) Postal Irregularities - Correspondence relating to irregularities in the handling of mail, such as loss or shortage of postage stamps or money orders or loss or destruction of mail. Destroy three years after investigation completed.

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

(26) Printing and duplicating - Files and correspondence pertaining to planning and other technical matters relating to the printing and duplicating function.

(27) Telecommunications general files, including plans, reports, and other records pertaining to equipment requests, telephone service, and similar matters.

FILES AND RECORDS TO BE DESTROYED WHEN TWO YEARS OLD OR AFTER OFFICE INSPECTION, WHICHEVER IS LATER

(1) Daily Reports, FD-28

(2) Record of Agents' individual accomplishments (SAC may retain FD-324 longer, if needed, as an aide in the overall evaluation of Agents' performance.)

FILES AND RECORDS TO BE DESTROYED AFTER CLOSE OF FISCAL YEAR IN WHICH INSPECTION WAS CONDUCTED

Log of toll calls, FD-296

FILES AND RECORDS TO BE DESTROYED AFTER TWO YEARS IF CERTAIN CONDITIONS ARE MET

(1) Applications for employment and related records in the 67 classification. Destroy after two years if appointment did not result and background investigation was not conducted.

(2) Supply Management Files - Correspondence relating to supply requirements and procurement matters submitted for supply management purposes. Destroy when two years old.

(3) Ammunition - Destroy two years after completion or cancellation of requisition.

(4) Inventory lists, cards, and requisitions. Destroy two years after final action.

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

(5) Property Disposal Correspondence Files - Correspondence maintained by units responsible for property disposal, pertaining to their operation and administration.

(6) Space files and related correspondence pertaining to the allocation, use, and release of space under agency control. Destroy two years after termination of assignment; when lease is cancelled; or when plans are superseded or obsolete.

(7) Files and correspondence relating to the administration, operation, and execution of the copying, duplicating, and printing functions.

(8) Procurement matters - Original correspondence files concerning internal operation and administration not forwarded to FBIHQ.

FILES AND RECORDS TO BE DESTROYED AFTER ONE YEAR,
IF CERTAIN CONDITIONS ARE MET

(1) Monthly Automotive Inspection Report, FD-212

(2) Copies of correspondence forwarded to Office of Personnel Management relating to performance rating board reviews. Destroy one year after case is resolved (for files created prior to the Civil Service Reform Act of 1978).

(3) Notice of Tardiness, FD-120. Destroy when one year old at the end of the calendar year.

(4) Photographic-Photocopy Log, FD-345. Destroy when one year old at the close of fiscal year.

RECORDS TO BE DESTROYED AFTER ONE YEAR, ON AN ANNUAL BASIS

(1) Field Personnel Files - Destroy superseded documents. Forward file to FBIHQ 90 days after separation or retirement of employee for final disposition.

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

(2) OFFICE PERSONNEL FILE - Destroy obsolete temporary documents relating to Bureau personnel only. (Remaining documents should be retained until resolution of pending litigation.)

(3) Firearms Score Card, FD-39

FILES AND RECORDS TO BE DESTROYED AFTER ONE YEAR,
ON A MONTHLY BASIS

Postal Records and mail and delivery service control files - Including Record of Registered Mail, FD-211; U.S. Postal Service Forms 3877 (Outgoing registered mail) and 3883 (Incoming registered mail); records relating to certified, insured, and special delivery mail, including receipts and return receipts; application for postal registration and certificates of declared value of matter subject to postal surcharge; reports of loss, rifling, delay, and other improper treatment of mail matter; records of receipt and routing of incoming and outgoing mail and items handled by private delivery companies; statistical reports on mail handled and work performed; records relating to checks, cash, stamps, money orders, or other valuables remitted by mail; and correspondence relating to the administration of the mail room operation.

FILES AND RECORDS TO BE DESTROYED AFTER SIX MONTHS,
IF CERTAIN CONDITIONS ARE MET

(1) Daily Report of Support Services Supervisors, FD-127

(2) Field Stenographer's and Typist's Daily Report, FD-76

(3) CW Radio Log, FD-279

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

(4) Telecommunications message registers, logs, performance reports, daily load reports, and related and similar records.

(5) Report of stamps used, FD-161, and requisitions for stamps (exclusive of copies used as supporting documents to payment vouchers).

FILES AND RECORDS TO BE DESTROYED AFTER THREE MONTHS,
IF CERTAIN CONDITIONS ARE MET

(1) Transmittal letters - checks and bonds

(2) Automobile Record Form, FD-73

(3) FM Radio Station Log, FD-283

(4) Gasoline sales tickets (tissue copy)

(5) Duplicate property card of separated employees, FD-107

(6) Identification credentials, including cards, badges, parking permits, photographs, agency permits to operate motor vehicles, and property, dining room and visitors passes, and other identification credentials. Destroy three months after return.

(7) Building and Equipment Service Files - Requests for building and equipment maintenance services, excluding fiscal copies. Destroy three months after work performed or requisition cancelled.

FILES AND RECORDS TO BE DESTROYED AFTER TWO MONTHS,
IF CERTAIN CONDITIONS ARE MET

(1) Messenger Service Files - Daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and similar records related to the messenger function.

(2) Telecommunications - Copies of incoming and outgoing messages retained in the message center.

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

FILES AND RECORDS TO BE DESTROYED WHEN PURPOSE HAS
BEEN SERVED

- (1) Acknowledgment of Transfer Orders, FD-67
- (2) Itinerary, FD-330
- (3) Circulars, flyers related to charity campaigns, recreational matters, open season for health benefits, blood donor program.
- (4) Copies of SF-50 (3-634) documenting individual personnel actions.
- (5) Credentials - Papers related to identification credentials, including receipts, indices, listings, and accountable records. Destroy when all listed credentials are accounted for.
- (6) Telecommunications - Tapes of outgoing messages. Destroy after transmission.

RECORDS TO BE DESTROYED AFTER SEPARATION OR TRANSFER
OF EMPLOYEE

Employee record cards used for informational purposes.

RECORDS TO BE DESTROYED WHEN ABOLISHED OR SUPERSEDED

- (1) Copies of position descriptions and related correspondence.
- (2) Copies of official publications, charts, posters, directives, regulations, forms, press releases or similar material.

FILES AND RECORDS TO BE DESTROYED WHEN CANCELLED OR
REVISED

Mailing lists - Correspondence, request forms, and other records relating to changes in mailing lists,

Memorandum to All Special Agents in Charge
Re: Destruction of Field Files and Records
66-04

card lists, and addressograph plates. Destroy when cancelled or revised, whichever is appropriate.

Files and Records to be Destroyed Upon Termination or Completion

(1) Copies of routine procurement files, including contract, requisition, purchase order, lease and bond and surety records. (Excluding original correspondence not forwarded to FBIHQ)

(2) Copies of successful or unsuccessful bids.

Manual changes are forthcoming.

William H. Webster
Director

S/W SAC, Seattle (70-5650) (P)

9/9/80

Director, FBI (66-3286, SUB B)

ET AL
CGR - THEFT (C)
OO: SEATTLE

b7C

Destruction of 7/11/80
Reurlet 9/2/80 captioned as above requesting FBIHQ to make a determination as to the proper disposition of certain business records acquired as evidence in captioned case.

As you are aware, the preliminary injunction issued by U.S. District Court Judge Harold H. Greene, U.S. District Court, District of Columbia, 1/10/80, enjoining the FBI from further destruction of all Bureau files and records is still in effect. Therefore, you should hold in abeyance the disposition of physical evidence described in referenced letter pending resolution of aforementioned injunction.

NOTE: Based on Seattle letter 9/2/80 captioned as above requesting FBIHQ to make a determination as to the proper disposition of business records acquired as evidence in captioned case.

- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 -

TBD:tfc *JHC*
(6)

APPROVED:

Director

Exec AD-Adm.

Exec AD-Inv.

Exec AD-LES

Adm. Serv.

Crim. Inv.

Ident.

Insp.

Laboratory

Legal Coun.

Plan. & Insp.

Rec. Mgnt. *7/10/80*

Tech. Servs.

Training

Off. of Cong. & Public Affs.

b6

b7C

NOT RECORDED
6 SEP 16 1980

SEP 10 1980

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E2W/gHK

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☒

FBI

ORIGINAL FILED IN 70-11031-8

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : DIRECTOR, FBI (66-3286, SUB B)
ATTN: RECORDS MANAGEMENT DIVISION,
RECORDS SYSTEMS SECTION

FROM : SAC, SEATTLE (70-5650) (P)

DATE: 9/2/80

SUBJECT:

ET AL
CGR - THEFT (C)
OO: SEATTLE

b7C

Re Bureau airtel (66-3286, SUB B), dated May 30, 1980, entitled "DESTRUCTION OF FIELD FILES AND RECORDS".

Captioned case opened May 13, 1977. Subsequent investigation led to trial in which both subjects were convicted and sentenced.

b7C

During the course of the investigation, business records were subpoenaed from [redacted]

Since an agreement was not made for the return of the documents at the time they were subpoenaed, nor has [redacted] made a specific request for the return of the documents, the question arises as to their proper disposition.

b6

b7C

The records consist of the following:

1. Appointment sheet;
2. Three (3) cancelled checks totalling [redacted]
3. Service records;
4. Asset purchases, 1977;

b2

2 - Bureau (66-3286, SUB B)
2 - Seattle (70-5650)
NLH/jcb
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EXW/gmk

66-3286-
NOT RECORDED
6 SEP 16 1980

CARBON COPY



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ORIGINAL FILED IN 70-5650-7

SE 70-5650

5. Equipment and parts invoices;
6. Eight (8) bags of cash receipts;
7. Route listing;
8. Three (3) books of check stubs;
9. Two (2) folders of alphabetized bills;
10. Eight (8) packages of cancelled checks.

REQUEST OF THE BUREAU

The Records Management Division, Records Systems Section, is requested to make a determination as to the proper disposition of the business records and notify Seattle.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv.
Exec AD Adm.
Exec AD LES
Asst. Dir. *WHL*
Adm. Servs.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

TO : Mr. Colwell

DATE: 8/25/80

FROM : *RM* P. Finzel

SUBJECT: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

PURPOSE:

To recommend change in the MAOP to establish uniformity
for disposition of field personnel files and issuance of
an appropriate SAC Memorandum.

RECOMMENDATION:

That upon approval of manual change and SAC Memorandum,
instant memorandum and enclosure be forwarded to the Manuals
Desk, Administrative Services Division, for appropriate
action.

DETAILS:

APPROVED:

Director _____
Exec. AD Inv. *OR* _____
Exec. AD Adm. _____
Exec. AD LES _____

Adm. Serv. *WHL* _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. *RM* _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

REASON FOR CHANGE

By memorandum R. W. Scherrer to Mr. Bailey, 7/30/80,
captioned "Application of the General Records Schedules -
Records Management," authority was granted to reestablish
field office policy concerning disposition of employees'
personnel files maintained in the field offices. Current
policy permits destruction of employees' personnel files
after 90 days unless separation resulted from disciplinary
action. Certain papers were removed from the file and forwarded
to FBIHQ for permanent retention. DE-45

Enclosure *Deletion of records*

66-04

- 1 - 66-19198 (Manual of Administrative Operations and Procedures)
- 1 - Manuals Desk
- 1 - Mr. Long
(Attn: *66-19198*)
- 1 - Mr. *Finzel* (Admin.)
- 1 - Mr. Andrews
- 1 - Mr. Scherrer
- 1 - *[Redacted]*

CMG:kmm (6)

66-3286-

52 SEP 22 1980

b6
b7C

UNRECORDED COPY FILED IN 66-04-4323 ORIGINAL FILED IN

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

In order to establish uniformity for the disposition of the files and comply with Federal regulations, personnel files of employees who have separated from service or transferred to other Government agencies should be forwarded to FBIHQ after a retention period of 90 days. Upon receipt at FBIHQ, all records duplicated in the Official Personnel Folder (OPF) will be destroyed immediately and nonduplicative records will be integrated into the OPF. Current policy regarding retention of files of employees who transfer between offices is not altered. This matter has been coordinated with the Administrative Services Division.

Appropriate contact was made with
Manuals Desk, on 5/9/80.

b6

b7C

CHANGED TEXT

MAOP, Part I, Section 20-4(2), page 228, should be deleted and replaced with the following:

*was
Review
OK*

(2) When an employee transfers to FBIHQ or becomes an SAC, the personnel file is sent to FBIHQ. The file of an employee who resigns or retires should be retained for 90 days and then sent to FBIHQ for final disposition. The file of a permanent or temporary indefinite employee leaving for military service is maintained in the field office inasmuch as employees have certain mandatory restoration rights and may return to that office, and because, in their absence, they have a right to be considered for promotions that arise. The file should thus be available for review for qualifications. Upon notification from FBIHQ that an employee no longer has restoration rights, the file is to be forwarded to FBIHQ.

MAOP, Part II, Section 2-4.2.1(4)(a), page 285, should be deleted and replaced with the following:

(a) Employees' personnel files: If the investigative file on the employee is in the field office to which the employee is assigned, such file is to be maintained with

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

*Manual
Revised
RPF*

the personnel file. Both files are then to be kept under lock and key under the supervision of the SAC. Personnel file shall be sent to FBIHQ when an employee is designated SAC or transfers to FBIHQ. File of employee who resigns or retires shall be retained 90 days and then sent to FBIHQ where duplicate records will be destroyed immediately and nonduplicative records will be integrated into the Official Personnel Folder. When permanent or temporary indefinite employee leaves to enter the military service, retain file in field office. Upon notification from the Bureau that restoration rights of an employee have expired, the personnel file is to be forwarded to FBIHQ. The investigative file is to be maintained in the closed files section in the field office and disposed of in accordance with the regulations governing the disposition of investigative files in the 67 classification.

MAOP, Part II, Section 2-4.5.15(3), page 311,
should be deleted and succeeding items renumbered.

SAC MEMORANDUM

An SAC Memorandum has been prepared and is attached herewith.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv.
Exec AD Adm.
Exec AD LES
Asst. Dir.
Adm. Servs.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

TO : Mr. Bailey *WLB/Rux*

DATE: 7/30/80

FROM : R. W. Scherrer *Rux*

SUBJECT: FILE DESTRUCTION
CIVIL ACTION CASES

PURPOSE:

Destruction of Bureau Records - General

The purpose of this memorandum is to provide data regarding pending litigation cases for record purposes.

RECOMMENDATION:

None. For record purposes.

APPROVED:	Adm. Serv.	Legal Coun.
	Crim. Inv.	Plan. & Insp.
Director	Ident.	Rec. Mgnt. <i>WLB/Rux</i>
Exec AD Inv.	Intell.	Tech. Servs.
Exec AD Adm.	Laboratory	Training
Exec AD LES		Public Affs. Off.

DETAILS:

Pursuant to the Attorney General's instructions of 6/6/77 that all files related to pending litigation must be preserved, Legal Counsel Division has provided Records Management Division (RMD) with pertinent information regarding pending civil litigation and Freedom of Information and Privacy Acts litigation cases. RMD has subsequently provided this information to field offices and Legal Attaches for appropriate searching and identification. A similar process is conducted at Headquarters.

To insure that all pertinent subjects related to the cases are duly recorded, an attachment which has previously been forwarded for searching and retention purposes is attached herewith for record processing.

197-122

Enclosure

- 1 - Mr. Bailey (Admin.)
- 1 - Mr. Scherrer *Rux*
- 1 -

CMG:km

(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY 8P4 E2W/gHK

66-3286-

NOT RECORDED

152 JUL 31 1980

197-122-23
ORIGINAL FILED IN

Rux

FBI DOJ

File copy

Routing Slip
O-7 (Rev. 5-8-78)

(Copies to Offices Checked)

TO: SAC:

☐ Albany
☐ Albuquerque
☐ Alexandria
☐ Anchorage
☐ Atlanta
☐ Baltimore
☐ Birmingham
☐ Boston
☐ Buffalo
☐ Butte
☐ Charlotte
☐ Chicago
☐ Cincinnati
☐ Cleveland
☐ Columbia
☐ Dallas
☐ Denver
☐ Detroit
☐ El Paso
☐ Honolulu

☐ Houston
☐ Indianapolis
☐ Jackson
☐ Jacksonville
☐ Kansas City
☐ Knoxville
☐ Las Vegas
☐ Little Rock
☐ Los Angeles
☐ Louisville
☐ Memphis
☐ Miami
☐ Milwaukee
☐ Minneapolis
☐ Mobile
☐ Newark
☐ New Haven
☐ New Orleans
☐ New York City
☐ Norfolk

☐ Oklahoma City
☐ Omaha
☐ Philadelphia
☐ Phoenix
☐ Pittsburgh
☐ Portland
☐ Richmond
☐ Sacramento
☐ St. Louis
☐ Salt Lake City
☐ San Antonio
☐ San Diego
☐ San Francisco
☐ San Juan
☐ Savannah
☐ Seattle
☐ Springfield
☐ Tampa
☐ Washington Field
☐ Quantico

TO LEGAT:

☐ Bern
☐ Bonn
☐ Buenos Aires
☐ Caracas
☐ Hong Kong
☐ London
☐ Madrid
☐ Manila
☐ Mexico City
☐ Ottawa
☐ Paris
☐ Rome
☐ Tokyo

☐ SAC, New Rochelle (MRA) ☐ ASAC, Rapid City ("Mini") 7/18/80
☐ SAC, Brooklyn-Queens (MRA) (Date)

RE: DESTRUCTION OF FIELD FILES AND RECORDS

☐ For information ☐ Retention optional ☐ For appropriate action ☐ Surep, by _____
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.
☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks: ReBulet 8/15/77. Attached are new Civil Litigation and Information and Privacy Acts Litigation cases received to date which should be handled in accordance with procedures outlined in referenced letter. The documents are numbered 1326 thru 1421. Also attached are three pages of closed CL cases to be handled in accordance with instructions contained in referenced Bulet and Bureau teletypes dated 1/16/78 and 1/11/80.

Enc.
Bufile
Urfile

RECORDS MANAGEMENT DIVISION
Records Systems Section

FBI/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AC 60208CE/DCG/jmw

REQUEST FOR RECORD DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Justice

2. MAJOR SUBDIVISION

Federal Bureau of Investigation

3. MINOR SUBDIVISION

Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

Paul L. Andrews

5. TEL. EXT.

LEAVE BLANK

JOB NO.

DATE RECEIVED

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

b2

Date


Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☐ A Request for immediate disposal.

☒ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE 3/25/80	D. SIGNATURE OF AGENCY REPRESENTATIVE 	E. TITLE Section Chief	
7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1.	Investigative files, index cards, tapes, logs, transcripts, and related material maintained at Federal Bureau of Investigation (FBI) field offices and duplicate access cards maintained at FBI Headquarters (FBIHQ) which records compose the Electronic Surveillance (ELSUR) Indices. Headquarters indices are a duplication of field office indices and enable FBIHQ to identify the field office(s) to be contacted if the subject of an inquiry was of electronic surveillance interest or monitored in the field office(s). ELSUR records are maintained in field offices as part of the investigative file and are both criminal- and security-related. Proposed retention period will be consistent with Title 18, United States Code, Section 2518(8), which states that contents of the intercepted communication, original court orders or original applications for orders may not be destroyed unless ordered by the issuing or the denying judge and must be retained in any event for ten years. This will amend Job NC 1-65-79-10 to insure that all ELSUR records are retained for at least ten years, whether criminal- or security-related	<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 9-28-02 BY 60458 JMK </div>	

Request for Records Disposition Authority - Continuation

JOB NO.

PAGE OF

2 of 2

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>and whether maintained in office of origin (controlling office) or auxiliary (lead) office. (Records System Justice/FBI-006, as printed in the Federal Register, Thursday, September 28, 1978, provides a further description of the ELSUR Indices). FBIHQ ELSUR Indices constitute 27.4 cubic feet of records.</p> <p>A. <u>DISPOSITION of field office records covered by Title 18, United States Code, Section 2518(8)</u> Destroy after ten years upon orders of the issuing or denying judge.</p> <p>B. <u>DISPOSITION of field office records not covered by above citation</u> Destroy after ten years or when administrative needs have been met, whichever is later.</p> <p>C. <u>DISPOSITION of corresponding FBIHQ access card</u> Destroy upon notification that field office records have been destroyed.</p>		

44726

to issue rules and regulations prescribing how Department of Justice information can be employed. Title 18, USC, Section 2519, also sets forth recordkeeping requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Elsur Indices are utilized: (1) To respond to judicial inquiries about possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings, and (2) To enable the Government to certify whether a person regarding whom court-order authority is being sought for electronic coverage has ever been so covered in the past. The actual users of the indices are always employees of the FBI.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: a record from a system of records may be disclosed as a routine use to the National Archives and Records Service (N.A.R.S.) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained manually on 3 x 5 cards.

Retrievability: Names are indexed alphabetically. Telephones monitored are indexed by telephone number. Locations monitored in which a person has been known to have a proprietary interest are indexed by address.

Safeguards: They are maintained in a guarded room at all times, with a special locking system for off-duty hours when they are not in use.

Retention and disposal: Until advised to the contrary by the Department, the courts or Congress, these indices will be maintained indefinitely.

System manager(s) and address: Director, Federal Bureau of Investigation, Washington, D.C. 20535.

Notification procedure: Same as the above.

Record access procedures: Inquiry addressed to Director, FBI, Washington, D.C. 20535.

Contesting record procedures: Same as the above.

Record source categories: See Category of Individual.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e) (5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Controlled Substance Act Nonpublic Records, JUSTICE/OMF-002: Revisions to this system of records effect editorial changes which are necessary because of a recent internal reorganization. Other minor editorial corrections are also reflected in the text reprinted below.

Electronic Surveillance (Elsur Indices), JUSTICE/FBI-006: This item is revised to more accurately describe the nature of the item. The modifications to the system notice constitute amplifications rather than an alteration or expansion of the scope of the records. The clarifications incorporated into the system notice have been italicized for public convenience. The text reprinted below reflects these modifications.

JUSTICE/FBI-006

Item name: Electronic Surveillance (Elsur) Indices.

System location: Federal Bureau of Investigation, J. Edgar Hoover Bldg., 10th and Pennsylvania Ave., NW., Washington, D.C. 20535. Use field offices which have conducted electronic surveillances maintain this index. See appendix to System 002.

Categories of individuals covered by the system: Individuals who have been the targets of direct electronic surveillance coverage by the FBI, who have participated in conversations monitored by an electronic installation, or who have been known to have owned, leased, or licensed premises on which the FBI has conducted an electronic surveillance, and names of persons mentioned during conversations between persons being monitored. Not all field office electronic surveillance indices contain this last category of individuals.

Categories of records in the system: The Elsur Indices are maintained on 3 x 5 cards, where set forth the name of each person monitored or the proprietor of premises on which an electronic surveillance was conducted by the FBI since January 1, 1960, a code number to identify the electronic surveillance, the date the conversation occurred, the location of the field office which conducted the monitoring, and the address and/or telephone number where electronic surveillance occurred.

Authority for maintenance of the system: The Elsur Indices were created in October, 1966, at the instructions of the Department of Justice. The authority for the maintenance of these records is Title 5, section 301, USC, which grants the Attorney General the authority

WEDNESDAY, SEPTEMBER 28, 1978

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EFW/gpk

ENCLOSURE

66 -3286

44726

to issue rules and regulations prescribing how Department of Justice information can be employed. Title 18, USC, Section 2519, also sets forth recordkeeping requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Elsur Indices are utilized: (1) To respond to judicial inquiries about possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings, and (2) To enable the Government to certify whether a person regarding whom court-order authority is being sought for electronic coverage has ever been so covered in the past. The actual users of the indices are always employees of the FBI.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained manually on 3 x 5 cards.

Retrievability: Names are indexed alphabetically. Telephone numbers are indexed by telephone number. Locations monitored in which a person has been known to have a proprietary interest are indexed by address.

Safeguards: They are maintained in a guarded room at all times, with a special locking system for off-duty hours when they are not in use.

Retention and disposal: Until advised to the contrary by the Department, the courts or Congress, these indices will be maintained indefinitely.

System manager(s) and address: Director, Federal Bureau of Investigation, Washington, D.C. 20535.

Notification procedure: Same as the above.

Record access procedures: Inquiry addressed to Director, FBI, Washington, D.C. 20535.

Contesting record procedures: Same as the above.

Record source categories: See Category of Individual.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d) (1), (e) (1), (2) and (3), (e)(4) (G), (H), (e) (5) and (8), (f) (1), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 551 (b), (c) and (e) and have been published in the Federal Register.

Controlled Substance Act Nonpublic Records, JUSTICE/OMF: (a2): Revisions to this system of records effect editorial changes which are necessary because of a recent internal reorganization. Other minor editorial corrections are also reflected in the text reprinted below.

Electronic Surveillance (Elsur Indices), JUSTICE/FBI-006 This system is revised to more accurately describe the nature of the system. The modifications to the system notice constitute amplifications rather than an alteration or expansion of the scope of the records. The clarifications incorporated into the system notice have been italicized for public convenience. The text reprinted below reflects these modifications.

JUSTICE/FBI-006

System name: Electronic Surveillance (Elsur) Indices.

System location: Federal Bureau of Investigation, J. Edgar Hoover Bldg., 10th and Pennsylvania Ave., NW., Washington, D.C. 20535. Those field offices which have conducted electronic surveillances also maintain this index. See appendix to System 002.

Categories of individuals covered by the system: Individuals who have been the targets of direct electronic surveillance coverage by the FBI, who have participated in conversations monitored by an FBI electronic installation, or who have been known to have owned, leased, or licensed premises on which the FBI has conducted an electronic surveillance, and names of persons mentioned during conversations between persons being monitored. Not all field office electronic surveillance indices contain this last category of individuals.

Categories of records in the system: The Elsur Indices are maintained on 3 x 5 cards, where set forth the name of each person monitored or the proprietor of premises on which an electronic surveillance was conducted by the FBI since January 1, 1960, a source number to identify the electronic surveillance, the date the conversation occurred, the location of the field office which conducted the monitoring, and the address and/or telephone number where the electronic surveillance occurred.

Authority for maintenance of the system: The Elsur Indices were initiated in October, 1966, at the instructions of the Department of Justice. The authority for the maintenance of these records is Title 5, Section 301, USC, which grants the Attorney General the authority

THURSDAY, SEPTEMBER 28, 1978

memorandum

DATE: 6/24/80

REPLY TO
ATTN OF: SAC, Oklahoma City (66-90)SUBJECT: ~~CANNIBALIZATION AND DESTRUCTION OF EQUIPMENT~~*Destruction of Bureau Property - General*

TO: Director, FBI

Attention: Property Accounting Systems Unit

On 6/20/80 Oklahoma City received a teletype from FBIHQ requesting a same day reply regarding security files that were housed in a combination lock safe.

Two sound ~~agents~~ agents and one special agent who was a former U.S. Army lock expert worked on the safe, but were unsuccessful in their attempts to open same.

Due to the urgency of the teletype, prior Bureau authority could not be obtained before demolishing the safe.

This safe was constructed with concrete and mesh walls and very little steel, so there is nothing to be salvaged. Bureau authority is requested to take the safe to a local dump.

Enclosed are two copies each of FD-500 and FD-519, as well as the FD-514.

2-Bureau (Encl)
1-Oklahoma City
EJP:pqh
(3)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-92 BY 8P4 EFW/gmk

DE-8
V-57

66-3286-1352
NOT RECORDED

20 JUL 22 1980

3/jer

64 AUG 15 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

REQUIREMENTS AND CERTIFICATION FOR CANNIBALIZATION AND DESTRUCTION OF EQUIPMENT

REQUIREMENTS

Cannibalization and destruction of equipment for the purpose of obtaining parts to repair a like item is permitted after Bureau authority is granted and when all of the following conditions are met:

1. Repair of the broken or worn parts is not possible.
2. Required parts are not available from other units previously cannibalized.
3. Required parts are not available from Government excess. (Government excess means any personal property under the control of any Federal Agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.)
4. The parts are not available from commercial or Government supply sources or it is not practical to obtain the required parts from commercial sources because of obsolescence, excessive price or extraordinary leadtimes.
5. The benefit realized from cannibalization exceeds the estimated trade-in or sale value of the unit being considered for cannibalization.
6. A signed statement, approved by a reviewing official, indicating the actions taken to verify the above conditions is made part of the file supporting the removal of the cannibalized item from property records, and such information is made available upon request, to General Accounting Office and Departmental auditors.

CERTIFICATION

The conditions, as set forth above, have been met to the best of my knowledge with regard to the equipment listed on the attached memorandum and/or FD-500, dated 6/24/80. This equipment should therefore be removed from inventory and the parts will be used for the repair and maintenance of similar equipment.

Name

Position Title Support Services Supervisor

Office Oklahoma City

Date 6/24/80

Reviewed By Colonel J. D. [Signature]
Special Agent in Charge

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/03 BY AvC 60290 BCE/DCG/jmw

66-3286-1352

b6

b7C

FBI/DOJ

ENC1

FEDERAL BUREAU OF INVESTIGATION
EQUIPMENT INVENTORY DISCREPANCY REPORT

Date: 6/24/80

To: Director, FBI

From: SAC, Oklahoma City

Office: Okla. City

Reported By: Support Services
Supervisor

<u>Class. Code</u>	<u>Item Description (Include Manuftr & Model #)</u>	<u>Property Number</u>	<u>Serial Number</u>	<u>Net Acquisition Cost</u>	<u>Book Value</u>
3102	Cabinet, Safe File Four drawer Remington Rand Systems	00031175	4&448-407	\$243.82	

Circumstances: ☐ Damaged ☒ Destroyed ☐ Lost ☐ Other (Specify)

Details of explanation and recommendation:

The combination lock on this cabinet malfunctioned and could not be unlocked. Many efforts to manipulate this lock were made with no success. The only way to open the cabinet was by drilling the side and defeating the individual drawer locking device, which was done. The lock remains locked and the cabinet is no longer useful.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Finzel

DATE: 9/12/80

FROM : R. W. Scherrer *RWS*SUBJECT: DESTRUCTION OF BUREAU RECORDS - GENERAL
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Exec AD Inv. _____
 Exec AD Adm. _____
 Exec AD LES _____
 Asst. Dir.: _____
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

PURPOSE:

The purpose of this memorandum is to provide guidelines to the Technical Services Division (TSD) on records which may now be destroyed and those which continue to be restricted by the Court relative to the preliminary injunction issued by U. S. District Court Judge Harold H. Greene on 1/10/80.

SYNOPSIS:

Headquarters divisions have observed a moratorium on record destruction in response to preliminary injunction issued by Judge Greene on 1/10/80. The Court Order has been modified and Headquarters divisions are being provided with specific guidelines in order to initiate a limited destruction program.

RECOMMENDATION:

That this memorandum be referred to TSD for appropriate action.

RWS APPROVED: _____
 Director _____
 Exec. AD-Adm. _____
 Exec. AD-Inv. _____
 Exec. AD-LES _____
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____

Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. *RWS*
 Tech. Servs. *was RWS*
 Training _____
 Off. of Cong. & Public Affs. _____

66-3286

6 - Mr. Bayse

Attn: _____

Attn: _____

Attn: _____

Attn: Mr. Lawler

Attn: _____

1 - Mr. Mintz

Attn: _____

1 - Mr. Finzel (Admin.)

1 - Mr. Scherrer

1 - _____

CMG:evp (11)

CONTINUED OVER

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 5-18-81 BY 6383 VST/amp

66-3286-1353

b6

b7C

SEP 16 1980

59 SEP 21 1980

FBI/DOJ

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DETAILS:

Bureau teletype, 1/11/80, advised FBIHQ and all offices to immediately suspend all destruction programs pursuant to the preliminary injunction issued by Judge Harold H. Greene, U. S. District Court, District of Columbia, on 1/10/80 in civil action "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655."

On 2/20/80 and 4/3/80, Judge Greene issued modified orders which would permit destruction of records pursuant to certain General Records Schedules (GRS), 22 schedules which provide authorized retention periods for administrative records common to most Federal agencies. In addition, the modified orders addressed requests for relief in specific areas in which record maintenance imposed an administrative burden. The latter category was presented to the Court in the form of individual affidavits.

Legal Counsel memorandum to the Director, dated 8/15/80, provided the current status of the litigation and authorized the Records Management Division (RMD) to initiate a limited destruction program for records applicable to the GRS.

Therefore, in accordance with this authority, TSD may pursue a limited disposal program as outlined below, including action approved by Judge Greene in response to the individual affidavits. Retention periods which are not responsive to the needs of TSD due to inadequate or excessive retention or which deviate from established Bureau policy, should be brought to the attention of RMD, Records Systems Section, in order to secure proper authorization from the National Archives and Records Service (NARS) to extend/reduce the retention periods. Accurate statistics should be maintained for records destroyed for inclusion in the annual record count.

For informational purposes, categories of records which continue to be restricted from destruction are also noted. Archival authority has either been withdrawn or the records are subject to review by NARS prior to any issuance of disposal authority. In any event, the records should be preserved.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

EXEMPTED FROM COURT ORDER

ALL DIVISIONS MAY PROCEED WITH DESTRUCTION OF FOLLOWING RECORDS:

EMPLOYEE RECORD CARDS

Index used for informational purposes.

GRS #1, Item 6.

Destroy on separation or transfer of employee.

SUPERVISOR'S PERSONNEL FILES

Records on individual employees duplicated in or not appropriate for the Official Personnel Folder (OPF), including production records and Notice of Tardiness.

GRS #1, Item 18a.

Review annually and destroy superseded documents; or destroy all documents relating to an individual employee 1 year after separation or transfer.

LEAVE RECORDS

T&A Registers; Number One Registers; Number Two Registers; Leave Accounting Listings; Leave Requests; SF-71s; Doctors Certificates; Record of Absences for Illness (FD-304).

GRS #2, Item 3, 8, 9.

Destroy when 3 years old.

SERVICE LISTINGS

Correspondence, forms, and other records relating to the compilation of directory service listings, assignment charts, and routing slips.

GRS #11, Item 3.

Destroy 2 months after issuance of listing.
(Request has been submitted to reduce retention to "Destroy after distribution")

ADMINISTRATIVE UNIT

MOTOR VEHICLE MAINTENANCE AND OPERATION RECORDS

(Destruction Permitted by GRS #10)

These records pertain to the management, maintenance, and operation of motor vehicles used by agencies.

1. MOTOR VEHICLE CORRESPONDENCE FILE

Correspondence in the operating unit responsible for maintenance and operation of motor vehicles not otherwise covered in this schedule.

Destroy when 2 years old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

2. MOTOR VEHICLE OPERATING AND
MAINTENANCE FILES

a. Operating records
including those relating to
gas and oil consumption,
dispatching and scheduling.

Destroy when 3 months old.

b. Maintenance records,
including those relating to
service and repair.

Destroy when 1 year old.

3. MOTOR VEHICLE COST FILES

Motor vehicle ledger and work
sheets providing cost and expense
data.

Destroy 3 years after
discontinuance of ledger or
date of work sheet.

4. MOTOR VEHICLE REPORT FILES

Reports on motor vehicles (other
than accident, operating and
maintenance reports).

Destroy 3 years after date of
report.

5. MOTOR VEHICLE ACCIDENTS FILES

Records relating to motor vehicle
accidents, maintained by
transportation offices.

Destroy 6 years after case is
closed.

6. MOTOR VEHICLE RELEASE FILES

Records relating to transfer,
sale, donation or exchange of
vehicles.

Destroy 4 years after vehicle
leaves agency custody.

7. MOTOR VEHICLE OPERATION

Records relating to individual
employee operation of Government-
owned vehicles, including driver
tests, authorization to use, safe
driving awards, and related
correspondence.

Destroy 3 years after
separation of employee or 3
years after rescission of
authorization to operate
Government-owned vehicle,
whichever is sooner.

Emergency Plans - This category of records continues
to be restricted by court order (GRS #18) and records should not
be destroyed. A description of the records is being provided
for identification purposes only.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Emergency Planning Records

Records accumulating from the formulation and implementation of plans (such as evacuation plans) for protection of life and property during emergency conditions.

Emergency Planning Administrative Correspondence Files
Correspondence files relating to administration and operation of the emergency planning program.

Emergency Planning Case Files
Case files accumulated by offices responsible for preparation and issuance of plans and directives, consisting of a record copy of each plan or directive issued, with related background papers.

Emergency Directives Reference Files
Copies of plans and directives, other than those maintained in case files described above.

Emergency Planning Reports
Agency reports of operations tests, consisting of consolidated or comprehensive reports reflecting agency-wide results of tests conducted under emergency plans.

Emergency Operations Tests Files
Papers accumulating from tests conducted under emergency plans, such as instructions to members participating in tests, staffing assignments, messages, tests by communications and facilities, and retained copies of reports.

CONTRACT REVIEW UNIT

PROCUREMENT, SUPPLY AND GRANT RECORDS
(Destruction permitted by GRS #3)

Any records created prior to 1895 must first be offered to the National Archives and Records Service for possible permanent retention before applying the disposal instructions. Records requiring submission of SF-115 have no disposal authority and records must be retained until disposal authority is granted by NARS.

Memorandum R. W. Scherper to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

1. UNIQUE PROCUREMENT FILES

Procurement files (as in Item 4, below) documenting the initiation and development of transactions that deviate from established precedents with respect to general agency procurement programs, other than those covered by tax exemption files.

Submit SF-115, Request for Records Disposition Authority.

2. REAL PROPERTY FILES

Title papers documenting the acquisition of real property (by purchase, condemnation, donations, exchange, or otherwise).

- a. Papers for property acquired prior to January 1, 1921.

Submit SF-115, Request for Records Disposition Authority.

- b. Papers for property acquired since January 1, 1921, other than abstract or certificate of title.

Dispose 10 years after unconditional sale or release by the Government of conditions, restrictions, mortgages or other liens.

- c. Abstract or certificate of title.

Transfer to purchaser after unconditional sale or release by the Government of conditions, restrictions, mortgages, or other liens.

3. GENERAL CORRESPONDENCE FILES

Correspondence files of operating procurement units concerning internal operation and administration matters not covered elsewhere in this schedule.

Destroy when 2 years old.

4. ROUTINE PROCUREMENT FILES

Contract, requisition, purchase order, lease, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment (other than those covered in Items 1 and 2).

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- a. Procurement or purchase organization copy, and related papers.
 - 1. Transactions of more than \$10,000 and all construction contracts exceeding \$2,000, dated subsequent to July 25, 1974. Destroy 6 years and 3 months after final payment. (Place in inactive file on final payment, transfer fiscal year block to Federal Records Center after 2 years.)
 - 2. Transactions of more than \$2,500 dated prior to July 26, 1974. Destroy 6 years after final payment.
 - b. Obligation copy. Destroy when funds are obligated.
 - c. Other copies of records described above used by component elements of a procurement office for administrative purposes. Destroy upon termination or completion.
6. BID FILES
- a. Successful or unsuccessful bids. Apply provisions of Item 4.
 - b. Lists or cards of acceptable bidders. Destroy when superseded or obsolete.
8. NONPERSONAL REQUISITION FILE
Requisitions for nonpersonal services, such as duplicating, laundry, binding, and other services (excluding records associated with accountable officers' accounts (Schedule 6)). Destroy when 1 year old.
9. INVENTORY REQUISITION FILE
Requisitions for supplies and equipment for current inventory.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- | | |
|----------------------|--|
| a. Stockroom copy. | Destroy 2 years after completion or cancellation of requisition. |
| b. All other copies. | Destroy when 6 months old. |

12. CONTRACTORS' PAYROLL FILES

Contractors' payrolls (construction contracts) submitted in accordance with Labor Department regulations, with related certifications, anti-kickback affidavits, and other related papers.	Destroy 3 years after date of completion of contract unless contract performance is subject of enforcement action on such date.
--	---

OFFICE OF INFORMATION SYSTEMS
RESEARCH AND DEVELOPMENT

Research and Development records are restricted from destruction by court order and should continue to be preserved.

OPERATIONS MANAGEMENT SECTION

The Court's Order of 1/10/80 continues to apply to machine-readable records and the records should continue to be preserved for review by NARS.

COMMUNICATIONS RECORDS
(DESTRUCTION PERMITTED BY GRS #12)

The principal records documenting communication functions include messenger service data, telecommunications service control and operational records; and summary of long distance telephone reports. Any records created prior to January 1, 1921, must be offered to NARS before applying these disposition instructions:

MESSENGER SERVICE FILES

Daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and related records.	GRS #12, Item 1 Destroy when 2 months old.
---	---

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

COMMUNICATION CORRESPONDENCE,
REPORTS AND REFERENCE FILES

Correspondence and related records pertaining to internal administration and operation.

GRS # 12, Item 2a.
Destroy when 2 years old.

Telecommunications general files including plans, reports, and other records pertaining to equipment requests, telephone service, and like matters.

GRS #12, Item 2b.
Destroy when 3 years old.

Telecommunications statistical reports including cost and volume data.

GRS #12, Item 2c.
Destroy when 1 year old

Telecommunications reference voucher files.

Reference copies of vouchers, bills, invoices, and related records.

GRS #12, Item 2d. (1)
Destroy when 1 fiscal year old.

Records relating to installation, change, removal, and servicing of equipment.

GRS #12, Item 2d. (2)
Destroy 1 year after audit or when 3 years old, whichever is sooner.

Copies of agreements with background data and other records relating to agreements for telecommunications services.

GRS #12, Item 2e.
Destroy 2 years after expiration or cancellation of agreement

TELECOMMUNICATIONS OPERATIONAL FILES

Message registers, logs, performance reports, daily load reports, and related and similar records.

GRS #12, Item 3a.
Destroy when 6 months old.

Copies of incoming and original copies of outgoing messages, including SF 14, Telegraphic Message.

GRS #12, Item 3b.
Destroy when 2 months old.

Machine copies (hard copies), discs, and tapes of outgoing messages.

GRS #12, Item 3c.
Destroy after transmission.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

TELEPHONE SUMMARIES

Summaries of long distance telephone report used to indicate authorized use of telephone service as well as to audit expense vouchers.

GRS #12, Item 4.

Destroy after the close of fiscal year in which audited.

TELEPHONE RECORDS

Telephone statements and toll slips.

GRS #3, Item 11.

Destroy 3 years after period covered by related account.

NATIONAL CRIME INFORMATION CENTER (NCIC) SECTION

Deletion of entries on fugitives, stolen property, Federal criminal records under court order and missing persons data from the NCIC computer is now permitted; however, a log of all entries and deletions from the system must be maintained. (Based on Lawrence G. Lawler affidavit of 1/23/80). The court concluded that this information was not intended to be within the scope of the 1/10/80 Order.

RESTRICTED FROM DESTRUCTION - ALL DIVISIONS

RECORDS OF THE CENTRAL RECORDS SYSTEM

All records filed in classifications 1 through 212 are subject to review by NARS, are restricted by court order, and should not be destroyed. (Exceptions: Files related to Privacy Act requests and records of the Official Personnel Folder.)

BUDGET PREPARATION, PRESENTATION AND APPORTIONMENT RECORDS

This record category includes budget policy files; budget estimates and justification files; budget correspondence files; budget background records; budget reports files; and budget apportionment files. The records continue to be restricted by court order (GRS #5) and should not be destroyed.

INFORMATIONAL SERVICES RECORDS

This record category consists of routine inquiries, replies and related correspondence with the public; records created in administering the Freedom of Information and Privacy Acts Programs; and formal informational releases and

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

publications, such as press releases, press conference transcripts, official speeches and indexes thereto. The records continue to be restricted by court order (GRS #14) and should not be destroyed.

ADMINISTRATIVE MANAGEMENT RECORDS

This category includes official directives, forms, records management files and committee, conference and organizational records. The records continue to be restricted by court order (GRS #16) and should not be destroyed.

SECURITY AND PROTECTIVE SERVICE RECORDS

This category of records includes classified document receipts relating to the receipt and dispatch of classified documents; emergency planning records; and records relating to facilities security, including guard functions, lost or stolen property and key accountability. The records continue to be restricted by court order (GRS #18) and should not be destroyed.

RESEARCH AND DEVELOPMENT RECORDS

This category of records continues to be restricted by court order (GRS #19) and records should not be destroyed.

MACHINE-READABLE RECORDS

This category of records continues to be restricted by court order (GRS #20) and records should not be destroyed.

AUDIO-VISUAL RECORDS

This category of records continues to be restricted by court order (GRS #21) and records should not be destroyed.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : *RW* Finzel

DATE: 9/12/80

FROM : R. W. Scherrer *RW*

SUBJECT: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

PURPOSE:

The purpose of this memorandum is to provide guidelines to components of the Records Management Division (RMD) for records which may now be destroyed and those which continue to be restricted by the Court relative to the preliminary injunction issued by U.S. District Court Judge Harold H. Greene on 1/10/80.

SYNOPSIS:

Headquarters divisions have observed a moratorium on record destruction in response to preliminary injunction issued by Judge Greene on 1/10/80. The Court Order has been modified and Headquarters divisions are being provided with specific guidelines in order to initiate a limited destruction program. Field offices will be advised by separate communication.

RECOMMENDATION:

That this memorandum be brought to the attention of appropriate personnel.

APR APPROVED: _____
Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. *RW* _____
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____

66-3286

- 1 - Mr. Finzel (Admin.)
- 1 - *[Redacted]* (Attn: *[Redacted]*)
- 1 - Mr. Andrews
- 1 - *[Redacted]*
- 1 - *[Redacted]*
- 1 - Mr. Scherrer
- 1 - *[Redacted]*

CMG:tf

60 SEP 20 1980

DE-36

V-10

66-3286-1354

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5-18-81 BY 6388 VEF/amy

SEP 15 1980

b6

b7C

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS--
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DETAILS:

Bureau teletype, 1/11/80, advised FBIHQ and all offices to immediately suspend all destruction programs pursuant to the preliminary injunction issued by Judge Harold H. Greene, U.S. District Court, District of Columbia, on 1/10/80 in civil action "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655."

On 2/20/80 and 4/3/80, Judge Greene issued modified orders which would permit destruction of records pursuant to certain General Records Schedules (GRS), 22 schedules which provide authorized retention periods for administrative records common to most Federal agencies. In addition, the modified orders addressed requests for relief in specific areas in which record maintenance imposed an administrative burden. The latter category was presented to the Court in the form of individual affidavits.

Legal Counsel memorandum to the Director, dated 8/15/80, provided the current status of the litigation and authorized RMD to initiate a limited destruction program for records applicable to the GRS.

Therefore, in accordance with this authority, RMD may pursue a limited disposal program as outlined below, including action approved by Judge Greene in response to the individual affidavits. Retention periods which are not responsive to our needs due to inadequate or excessive retention or which deviate from established Bureau policy, should be brought to the attention of the Records Systems Section in order to secure proper authorization from the National Archives and Records Service (NARS) to extend/reduce the retention periods. Accurate statistics should be maintained for records destroyed for inclusion in the annual record count. Field offices will be advised by separate communication.

For informational purposes, categories of records which continue to be restricted from destruction are also noted. Archival authority has either been withdrawn or the records are subject to review by NARS prior to any issuance of disposal authority. In any event, the records should be preserved.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

EXEMPTED FROM COURT ORDER

ALL DIVISIONS MAY PROCEED WITH DESTRUCTION OF FOLLOWING RECORDS:

EMPLOYEE RECORD CARDS-

Index used for informational purposes.

GRS #1, Item 6.

Destroy on separation or transfer of employee.

SUPERVISOR'S PERSONNEL

FILES - Records on individual employees duplicated in or not appropriate for the Official Personnel Folder (OPF), including production records and Notice of Tardiness.

GRS #1, Item 18a.

Review annually and destroy superseded documents; or destroy all documents relating to an individual employee 1 year after separation or transfer.

LEAVE RECORDS - T&A Registers; Number One Registers; Number Two Registers; Leave Accounting Listings; Leave Requests; SF-71s; Doctors Certificates; Record of Absences for Illness (FD-304).

GRS #2, Items 3, 8, 9.

Destroy when 3 years old.

SERVICE LISTINGS - Correspondence, forms, and other records relating to the compilation of directory service listings, assignment charts, and routing slips.

GRS #11, Item 3.

Destroy 2 months after issuance of listing.
(Request has been submitted to reduce retention to "Destroy after distribution")

RECORDS SYSTEMS SECTION

Consolidation Unit

Destruction of entire files and related material pertaining to individual Privacy Act requests is permitted as well as 13 pending requests for partial expunction of file material, pursuant to established procedures. Upon notification by the FOIPA Branch, Consolidation Unit may complete action on the files. Litigation listings should be consulted prior to destruction or deletion to insure that substantive files are not involved in litigation.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Mail Services Unit

Postal Records.

Records relating to incoming or outgoing registered mail pouches, registered, certified, insured, and special delivery mail including receipts and return receipts.

GRS #12, Item 5a.
Destroy when 1 year old.

Application for postal registration and certificates of declared value of matter subject to postal surcharge.

GRS #12, Item 5b.
Destroy when 1 year old.

Report of loss, rifling, delay, wrong delivery, or other improper treatment of mail matter.

GRS #12, Item 5c.
Destroy when 1 year old.

Mail and Delivery Service
Control Files.

Records of receipt and routing of incoming and outgoing mail and items handled by private delivery companies such as United Parcel Service, excluding both those covered by Item 5 and those used as indexes to correspondence files.

GRS #12, Item 6a.
Destroy when 1 year old.

Statistical reports of postage used on outgoing mail and fees paid for private deliveries (special delivery, foreign, registered, certified, and parcel post or packages over 4 pounds).

GRS #12, Item 6b.
Destroy when 6 months old.

Requisition for stamps (exclusive of copies used as supporting documents to payment vouchers).

GRS #12, Item 6c.
Destroy when 6 months old.

Statistical reports and data relating to handling of mail and volume of work performed.

GRS #12, Item 6d.
Destroy when 1 year old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Records relating to checks, cash, stamps, money orders or any other valuables remitted to the agency by mail.

GRS #12, Item 6e.
Destroy when 1 year old.

Records of and receipts for mail and packages received through the Official Mail and Messenger Service.

GRS #12, Item 6f.
Destroy when 6 months old.

General files including correspondence, memoranda, directives, and guides relating to the administration of mail room operations.

GRS #12, Item 6g.
Destroy when 1 year old or when superseded or obsolete, whichever is applicable.

Locator cards, directories, indexes, and other records relating to mail delivery to individuals.

GRS #12, Item 6h.
Destroy 5 months after separation or transfer of individual or when obsolete, whichever is applicable.

Penalty Mail Report Files.

Official penalty mail reports and all related papers.

GRS #12, Item 7.
Destroy when 6 years old.

Postal Irregularities File.

Memoranda, correspondence, reports and other records relating to irregularities in the handling of mail, such as loss or shortage of postage stamps or money orders, or loss or destruction of mail.

GRS #12, Item 8.
Destroy 3 years after completion of investigation.

Routing Unit

Postal Records

Records relating to incoming registered mail pouches, registered, certified, insured, and special delivery mail including receipts and return receipts.

GRS #12, Item 5a.
Destroy when 1 year old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

RECORDS SERVICES SECTION

Filing Unit

All records filed in classifications 1-212 are subject to review by NARS, are governed by the Order of 1/10/80, and should not be destroyed. (Exceptions: Files related to Privacy Act requests and records of the Official Personnel Folder.)

Personnel Records Unit

(All records created prior to 1/1/21 and policy records should be retained.)

Temporary Records

Temporary papers from the Official Personnel Folder (OPF) of Out-of-Service clerical personnel pursuant to established guidelines. CAUTION should be exercised to insure that records involved in litigation or records relating to (Item 25) Conflict of Interest; (Item 27) Personnel Counseling records including interviews and analyses and records pertaining to the Alcohol and Drug Abuse Program; (Item 28) Standards of Conduct files; (Item 31) Grievance, Disciplinary and Adverse Action files; (Item 32) Personal Injury files; and (Item 33) Temporary records relating to promotions are retained. Items 25, 26, 27, 28, 31, 32, and 33 continue to be governed by the 1/10/80 Order and should be preserved for the NARS review.

GRS #1, Item 10.
Destroy upon separation or transfer of employee or when 1 year old, whichever is sooner.

Employment Applications.

Destruction of employment applications that did not result in employment is permitted

GRS #1, Item 15.
Destroy when 2 years old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

pursuant to established guidelines. Litigation listing should be consulted prior to disposal to insure that the records are not involved in litigation.

"Special Files". This category of files relates to personnel programs and functions. With minor exceptions, retention periods have not been established due to the historical content of certain files and determination of disposition has been deferred to the NARS review. Exceptions are:

Inspection files for Headquarters, field offices and Legats.

PERMANENT. Files have been stamped for permanent retention and eventual transfer to the National Archives.

Employee Awards Records. Reports Pertaining to the Operation of the Incentive Awards Program.

Correspondence relating to agency sponsored cash and noncash awards (incentive awards, within grade merit increases, suggestions and outstanding performance); awards from other government agencies or private organizations; length of service and sick leave awards; and letters recognizing length of service and retirement and letters of appreciation and commendation for performance.

GRS #1, Item 12.
Destroy when 2 years old.

Reports pertaining to the operation of the Incentive Awards Program. GRS #1, Item 13.
Destroy when 3 years old.

Files:

67-561-A Comment - Commendation
67-561-C Commendation - Laboratory
67-5910 Commendation and Incentive Awards
67-535182 Authorization for incentive award
67-597841 Quality within grade salary increase.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Specifically excluded from this category are records of the OPF and records relating to awards made at the Departmental level or higher (Secretary's Awards, Presidential Awards, etc.) Case files of this nature (Rockefeller Public Service Award 67-729844) along with OPF of recipients have been offered to the National Archives for permanent retention.

Duplicate Documentation
Maintained Outside Personnel
Offices. Duplicate documentation from field personnel files (after nonduplicative documents are integrated into the OPF) after separation or retirement of personnel. Files are retained in the field office for 90 days and forwarded to Headquarters.

GRS #1, Item 18b.
Destroy when 6 months old. (Request has been submitted to reduce the retention to "immediately" for support personnel and "immediately after separation from service" for Special Agent personnel.

Performance Rating Records

General or case files of forms, memoranda or correspondence.
67-033 Performance Ratings

GRS #1, Item 23b.
Destroy after 3 years.

Performance Rating Board
Case Files

Copies of case files forwarded to CSC or OPM relating to performance rating board reviews.

GRS #1, Item 9.
Destroy 1 year after case is closed (for case files created prior to Civil Service Reform Act of 1978.)

Performance Rating Appeals Files

Memoranda, correspondence, and other records relating to employee appeals of performance ratings.

GRS #1, Item 23c.
Destroy 3 years after final settlement of case.

Position Classification Files

Correspondence, memoranda, and other records filed in position classification files of Headquarters divisions, field offices, and Legats.

GRS #1, Item 3b.
Destroy when 5 years old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DOCUMENT CLASSIFICATION AND REVIEW SECTION

Security and Protective Service Records

This category of records continues to be restricted by court order (GRS #18) and records should not be destroyed. A description of the records is being provided for identification purposes only:

Classified Information Accounting and Control Records

Records accumulating from measures taken by agencies to protect classified information from unauthorized disclosure in accordance with Executive Order 10501, other Executive Orders, or statutory or regulatory requirements.

DESCRIPTION OF RECORDS

Classified Documents Administrative Correspondence Files.

Correspondence files pertaining to the administration of security classification, control and accounting for classified documents.

Document Receipt Files.

Classified documents receipts, relating to the receipt and issue of classified documents.

Destruction Certificates.

Classified documents destruction certificates relating to the destruction of classified documents.

Classified Document Inventory Files.

Forms, ledgers, or registers used to show identity, internal routing, and final disposition made of classified documents, but exclusive of classified document receipts and destruction certificates and documents relating to Top Secret material covered elsewhere in this schedule.

Top Secret Accounting and Control Files.

- a. Registers maintained at control points to indicate accountability over Top Secret documents, reflecting the receipt, dispatch or destruction of the documents.
- b. Forms accompanying documents to insure continuing control, showing names of persons handling the documents, intra-office routing, and comparable data.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Access Request Files.

Requests and authorizations for individuals to have access to classified files.

Classified Document Container Security Files.

Forms or lists used to record safe and padlock combinations, names of individuals knowing combinations, and comparable data used to control access into classified document containers.

UNIFORM CRIME REPORTING (UCR) SECTION

Disposal request for records of the UCR Program is pending and no additional destruction authority is granted.

FREEDOM OF INFORMATION AND PRIVACY ACTS (FOIPA) BRANCH

OPERATIONS SECTION

Expungement/destruction of substantive records resulting from release of record material, pursuant to provisions of the Privacy Act, is now permitted (based on William L. Bailey affidavit, 1/24/80, and [redacted] affidavit, 2/20/80). The Court has concluded that the destruction of total files pursuant to the Privacy Act, after individual review by NARS to determine historical value, may be excluded from the 1/10/80 Order, as well as 13 pending requests for expunction which may be processed immediately.

b6

Destruction of remaining records created by the FOIPA Branch will be subject to review by NARS.

b7C

RESTRICTED FROM DESTRUCTION - ALL DIVISIONS

RECORDS OF THE CENTRAL RECORDS SYSTEM

All records filed in classifications 1 - 212 are subject to review by NARS, are restricted by court order, and should not be destroyed. (Exceptions: Files related to Privacy Act requests and records of the Official Personnel Folder.)

BUDGET PREPARATION, PRESENTATION AND APPORTIONMENT RECORDS

This record category includes budget policy files; budget estimates and justification files; budget correspondence files; budget background records; budget reports files;

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

and budget apportionment files. The records continue to be restricted by court order (GRS #5) and should not be destroyed.

INFORMATIONAL SERVICES RECORDS

This record category consists of routine inquiries, replies and related correspondence with the public; records created in administering the Freedom of Information and Privacy Acts Programs; and formal informational releases and publications, such as press releases, press conference transcripts, official speeches and indexes thereto. The records continue to be restricted by court order (GRS #14) and should not be destroyed.

ADMINISTRATIVE MANAGEMENT RECORDS

This category includes official directives, forms, records management files and committee, conference and organizational records. The records continue to be restricted by court order (GRS #16) and should not be destroyed.

SECURITY AND PROTECTIVE SERVICE RECORDS

This category of records includes classified document receipts relating to the receipt and dispatch of classified documents; emergency planning records; and records relating to facilities security, including guard functions, lost or stolen property and key accountability. The records continue to be restricted by court order (GRS #18) and should not be destroyed.

RESEARCH AND DEVELOPMENT RECORDS

This category of records continues to be restricted by court order (GRS #19) and records should not be destroyed.

MACHINE-READABLE RECORDS

This category of records continues to be restricted by court order (GRS #20) and records should not be destroyed.

AUDIO-VISUAL RECORDS

This category of records continues to be restricted by court order (GRS #21) and records should not be destroyed.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Finzel

DATE: 9/12/80

FROM : R. W. Scherrer *RWS*

SUBJECT: ~~DESTRUCTION OF BUREAU RECORDS-~~
~~PARTIAL RESUMPTION OF RECORD~~
~~DESTRUCTION PROGRAMS~~

PURPOSE:

DESTRUCTION OF BUREAU PROPERTY
The purpose of this memorandum is to provide guidelines to the Office of Congressional and Public Affairs and the Training, Intelligence, Criminal Investigative, Laboratory, *GEN'L* Legal Counsel, and Planning and Inspection Divisions for records which may now be destroyed and those which continue to be restricted by the Court relative to the preliminary injunction issued by U.S. District Court Judge Harold H. Greene on 1/10/80.

SYNOPSIS:

Headquarters divisions have observed a moratorium on record destruction in response to preliminary injunction issued by Judge Greene on 1/10/80. The Court Order has been modified and Headquarters divisions are being provided with specific guidelines in order to initiate a limited destruction program.

RECOMMENDATION:

That this memorandum be referred to the Office of Congressional and Public Affairs and the Training, Intelligence, Criminal Investigative, Laboratory, Legal Counsel, and Planning and Inspection Divisions for appropriate action.

APPROVED:

RWS
Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. *RWS*
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____

66-3286

- Inclined sent 9/12/80*
1 - Mr. Greenleaf
1 - Mr. McKenzie
1 - Mr. Mintz
1 - Mr. O'Malley
1 - Mr. Otto

- DE-64*
1 - Mr. Revell
1 - Mr. Young
1 - Mr. Finzel (Admin.)
1 - Mr. Scherrer
1 -

b6

b7c

SEP 15 1980

CMG:km (11)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EEW/gak

59 SEP 30 1980

4/RWS

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DETAILS:

Bureau teletype, 1/11/80, advised FBIHQ and all offices to immediately suspend all destruction programs pursuant to the preliminary injunction issued by Judge Harold H. Greene, U.S. District Court, District of Columbia, on 1/10/80 in civil action "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655."

On 2/20/80 and 4/3/80, Judge Greene issued modified orders which would permit destruction of records pursuant to certain General Records Schedules (GRS), 22 schedules which provide authorized retention periods for administrative records common to most Federal agencies. In addition, the modified orders addressed requests for relief in specific areas in which record maintenance imposed an administrative burden. The latter category was presented to the Court in the form of individual affidavits.

Legal Counsel memorandum to the Director, dated 8/15/80, provided the current status of the litigation and authorized Records Management Division to initiate a limited destruction program for records applicable to the GRS.

Therefore, in accordance with this authority, the above Headquarters Divisions may pursue a destruction program as outlined below. Since the records maintained within those Divisions are minimal, specialized, and/or potentially historical, destruction authority is limited to the administrative records maintained by all divisions. Accurate statistics should be maintained for records destroyed for inclusion in the annual record count.

For informational purposes, categories of records which continue to be restricted from destruction are also noted. Archival authority has either been withdrawn or the records are subject to review by NARS (National Archives and Records Service) prior to any issuance of disposal authority. In any event, the records should be preserved.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

EXEMPTED FROM COURT ORDER

ALL DIVISIONS MAY PROCEED WITH DESTRUCTION OF FOLLOWING RECORDS:

EMPLOYEE RECORD CARDS-
Index used for informa-
tional purposes.

GRS #1, Item 6.
Destroy on separation
or transfer of employee.

SUPERVISOR'S PERSONNEL
FILES - Records on individual
employees duplicated in or
not appropriate for the Official
Personnel Folder (OPF), including
production records and Notice of
Tardiness.

GRS #1, Item 18a.
Review annually and destroy
superseded documents; or
destroy all documents
relating to an individual
employee 1 year after
separation or transfer.

LEAVE RECORDS - T&A Registers;
Number One Register; Number Two
Registers; Leave Accounting
Listings; Leave Requests; SF-71's;
Doctors Certificates; Records of
Absences for Illness (FD-304).

GRS #2, Items 3,8,9.
Destroy when 3 years old.

SERVICE LISTINGS - Correspondence,
forms, and other records relating
to the compilation of directory
service listings, assignment
charts, and routing slips.

GRS #11, Item 3.
Destroy 2 months after
issuance of listing.
(Request has been submitted
to reduce retention to
"Destroy after distribution")

RESTRICTED FROM DESTRUCTION

OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS (OCPA)

Records created or received in OCPA should continue
to be retained in view of the historical significance of
the records of the Research functions and the restrictions
which continue to govern the records of the Correspondence/
Tours functions. The records will be subject to review
by NARS prior to the issuance of disposal authority.

TRAINING DIVISION

Training Division should continue to insure that
training and audio-visual records are retained for review
by NARS.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

INTELLIGENCE DIVISION

Authority to delete information from FBI records pursuant to minimization procedures set forth in orders of the United States Foreign Intelligence Surveillance Court (USFISC), as set forth in Edward J. O'Malley affidavits of 1/23/80 and 3/7/80, has not been granted and records should not be destroyed.

Authority to destroy classified document receipts, relating to the receipt and issuance of classified documents, governed by GRS #18, a restricted schedule, is withdrawn and records should be retained for review by NARS.

Authority to destroy files and indices maintained as administrative aids will be determined by the NARS review. A listing of the indices appears in the "Federal Register" as part of the Central Records System and the records should be retained for the NARS review.

CRIMINAL INVESTIGATIVE DIVISION

Authority to destroy files and indices maintained as administrative aids will be determined by the NARS review. A listing of the indices appears in the "Federal Register" as part of the Central Records System and records should be retained for the NARS review.

LABORATORY DIVISION

Authority to destroy the Evidence Control Index will be established during the NARS review and records should be retained.

PLANNING AND INSPECTION DIVISION

Authority to destroy working papers associated with inspections of Headquarters divisions and field offices is governed by GRS #16, a restricted schedule, and records should continue to be retained for review by NARS.

RESTRICTED FROM DESTRUCTION - ALL DIVISIONS

RECORDS OF THE CENTRAL RECORDS SYSTEM

All records filed in classifications 1 - 212 are subject to review by NARS, are restricted by court order, and should not be destroyed. (Exceptions: Files related to Privacy Act requests and records of the Official Personnel Folder)

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

BUDGET PREPARATION, PRESENTATION AND APPORTIONMENT RECORDS

This record category includes budget policy files; budget estimates and justification files; budget correspondence files; budget background files; budget reports files; and budget apportionment files. The records continue to be restricted by court order (GRS #5) and should not be destroyed.

INFORMATIONAL SERVICES RECORDS

This record category consists of routine inquiries, replies and related correspondence with the public; records created in administering the Freedom of Information and Privacy Acts Programs; and formal informational releases and publications, such as press releases, press conference transcripts, official speeches and indexes thereto. The records continue to be restricted by court order (GRS #14) and should not be destroyed.

ADMINISTRATIVE MANAGEMENT RECORDS

This category includes official directives, forms, records management files and committee, conference and organizational records. The records continue to be restricted by court order (GRS #16) and should not be destroyed.

SECURITY AND PROTECTIVE SERVICE RECORDS

This category of records includes classified document receipts relating to the receipt and dispatch of classified documents; emergency planning records; and records relating to facilities security, including guard functions, lost or stolen property and key accountability. The records continue to be restricted by court order (GRS #18) and should not be destroyed.

RESEARCH AND DEVELOPMENT RECORDS

This category of records continues to be restricted by court order (GRS #19) and records should not be destroyed.

MACHINE-READABLE RECORDS

This category of records continues to be restricted by court order (GRS #20) and records should not be destroyed.

AUDIO-VISUAL RECORDS

This category of records continues to be restricted by court order (GRS #21) and records should not be destroyed.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
 Exec AD Adm. _____
 Exec AD LES _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

TO : *RM* Finzel

DATE: 9/12/80

FROM : R. W. Scherrer *RM*SUBJECT: DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMSALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-92 BY SP4 E2W/SHK

PURPOSE:

The purpose of this memorandum is to provide guidelines to the Identification Division on records which may now be destroyed and those which continue to be restricted by the Court relative to the preliminary injunction issued by U. S. District Court Judge Harold H. Greene on 1/10/80.

SYNOPSIS:

Headquarters divisions have observed a moratorium on record destruction in response to preliminary injunction issued by Judge Greene on 1/10/80. The Court Order has been modified and Headquarters divisions are being provided with specific guidelines in order to initiate a limited destruction program.

RECOMMENDATION:

That this memorandum be referred to the Identification Division for appropriate action.

RM APPROVED: _____
 Director _____
 Exec. AD-Adm. _____
 Exec. AD-Inv. _____
 Exec. AD-LES _____
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. *RM* _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. *RM* _____
 Tech. Servs. _____
 Training _____
 Off. of Cong. & Public Affs. _____

4 - Mr. Stames

Attn: Attn: Attn: Attn: 

1 - Mr. Mintz

Attn: 

1 - Mr. Finzel (Admin.)

1 - Mr. Scherrer

1 - 

CMG:evp

(9)

CONTINUED OVER

SEP 15 1980

b6

b7C

FBI/DOJ

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DETAILS:

Bureau teletype, 1/11/80, advised FBIHQ and all offices to immediately suspend all destruction programs pursuant to the preliminary injunction issued by Judge Harold H. Greene, U. S. District Court, District of Columbia, on 1/10/80 in civil action "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655."

On 2/20/80 and 4/3/80, Judge Greene issued modified orders which would permit destruction of records pursuant to certain General Records Schedules (GRS), 22 schedules which provide authorized retention periods for administrative records common to most Federal agencies. In addition, the modified orders addressed requests for relief in specific areas in which record maintenance imposed an administrative burden. The latter category was presented to the Court in the form of individual affidavits.

Legal Counsel memorandum to the Director, dated 8/15/80, provided the current status of the litigation and authorized the Records Management Division (RMD) to initiate a limited destruction program for records applicable to the GRS.

Therefore, in accordance with this authority, the Identification Division may pursue a limited disposal program as outlined below, including action approved by Judge Greene in response to the individual affidavits. Retention periods which are not responsive to the needs of the Identification Division due to inadequate or excessive retention or which deviate from established Bureau policy, should be brought to the attention of RMD, Records Systems Section, in order to secure proper authorization from the National Archives and Records Service (NARS) to extend/reduce the retention periods. Accurate statistics should be maintained for records destroyed for inclusion in the annual record count.

For informational purposes, categories of records which continue to be restricted from destruction are also noted. Archival authority has either been withdrawn or the records are subject to review by NARS prior to any issuance of disposal authority. In any event, the records should be preserved.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

EXEMPTED FROM COURT ORDER

ALL DIVISIONS MAY PROCEED WITH DESTRUCTION OF FOLLOWING RECORDS:

EMPLOYEE RECORD CARDS

Index used for informational purposes

GRS #1, Item 6.

Destroy on separation or transfer of employee.

SUPERVISOR'S PERSONNEL FILES

Records on individual employees duplicated in or not appropriate for the Official Personnel Folder (OPF), including production records and Notice of Tardiness.

GRS #1, Item 18a.

Review annually and destroy superseded documents; or destroy all documents relating to an individual employee 1 year after separation or transfer.

LEAVE RECORDS

T&A Registers; Number One Registers; Number Two Registers; Leave Accounting Listings; Leave Requests; SF-7ls; Doctors Certificates; Record of Absence for Illness (FD-304).

GRS #2, Items 3, 8, 9.

Destroy when 3 years old.

SERVICE LISTINGS

Correspondence, forms, and other records related to the compilation of directory service listings, assignment charts, and routing slips.

GRS#11, Item 3

Destroy 2 months after issuance of listing.
(Request has been submitted to reduce retention to "Destroy after distribution")

IDENTIFICATION DIVISION

Destruction of Federal applicant and employment fingerprint cards after individual reaches 75 years of age; destruction of criminal justice fingerprint cards after individual reaches 80 years of age with transmittal sheets from which data have been transferred to permanent record; and destruction, or return upon request, of fingerprint cards, transmittal sheets and other records when court orders require their deletion, expungement or return are permitted. Arrest data may be expunged from FBI identification records pursuant to directives from state and local agencies which furnished such

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

information (based on C. Kenneth Arnold affidavit of 1/23/80).
The Court concluded that retention of fingerprint cards was
unnecessary and excluded them from the Order of 1/10/80.

DESTRUCTION PERMITTED BY GRS:

POSTAL RECORDS

Records relating to incoming or
outgoing registered mail pouches,
registered, certified, insured,
and special delivery mail
including receipts and return
receipts.

GRS #12, Item 5a.
Destroy when 1 year old.

Application for postal registration
and certificates of declared value
of matter subject to postal
surcharge.

GRS #12, Item 5b.
Destroy when 1 year old.

Report of loss, rifling, delay,
wrong delivery, or other improper
treatment of mail matter.

GRS #12, Item 5c.
Destroy when 1 year old.

MAIL AND DELIVERY SERVICE CONTROL
FILES

Records of receipt and routing of
incoming and outgoing mail and
items handled by private delivery
companies such as United Parcel
Service, excluding both those
covered by item 5 and those used as
indexes to correspondence files.

GRS #12, Item 6a.
Destroy when 1 year old.

Statistical reports of postage used
on outgoing mail and fees paid for
private deliveries (special
delivery, foreign, registered,
certified, and parcel post or
packages over 4 pounds).

GRS #12, Item 6b.
Destroy when 6 months old.

Requisition for stamps (exclusive
of copies used as supporting
documents to payment vouchers).

GRS #12, Item 6c.
Destroy when 6 months old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Statistical reports and data
relating to handling of mail and
volume of work performed.

GRS #12, Item 6d.
Destroy when 1 year old.

Records relating to checks, cash,
stamps, money orders or any other
valuables remitted to the agency by
mail.

GRS #12, Item 6e.
Destroy when 1 year old.

Records of and receipts for mail and
packages received through the
Official Mail and Messenger
Service.

GRS #12, Item 6f.
Destroy when 6 months old.

General files including
correspondence, memoranda,
directives, and guides relating to
the administration of mail room
operations.

GRS #12, Item 6g.
Destroy when 1 year old or
when superseded or obsolete,
whichever is applicable.

Locator cards, directories, indexes,
and other records relating to mail
delivery to individuals.

GRS #12, Item 6h.
Destroy 5 months after
separation or transfer of
individual or when
obsolete, whichever is
applicable.

PENALTY MAIL REPORT FILES

Official penalty mail reports and
all related papers.

GRS #12, Item 7.
Destroy when 6 years old.

POSTAL IRREGULARITIES FILE

Memoranda, correspondence, reports
and other records relating to
irregularities in the handling of
mail, such as loss or shortage of
postage stamps or money orders, or
loss or destruction of mail.

GRS #12, Item 8.
Destroy 3 years after
completion of
investigation.

RESTRICTED FROM DESTRUCTION - IDENTIFICATION DIVISION

Authority to destroy files and indices maintained as
administrative aids will be determined by the NARS review. The
Missing Persons Index, maintained in the Identification
Division, should be preserved for review by NARS.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

RESTRICTED FROM DESTRUCTION - ALL DIVISIONS

RECORDS OF THE CENTRAL RECORDS SYSTEM

All records filed in classifications 1 through 212 are subject to review by NARS, are restricted by court order, and should not be destroyed. (Exceptions: Files related to Privacy Act requests and records of the Official Personnel Folder)

BUDGET PREPARATION, PRESENTATION, AND APPORTIONMENT RECORDS

This record category includes budget policy files; budget estimates and justification files; budget correspondence files; budget background records; budget reports files; and budget apportionment files. The records continue to be restricted by court order (GRS #5) and should not be destroyed.

INFORMATIONAL SERVICES RECORDS

This record category consists of routine inquiries, replies and related correspondence with the public; records created in administering the Freedom of Information and Privacy Acts Programs; and formal informational releases and publications, such as press releases, press conference transcripts, official speeches and indexes thereto. The records continue to be restricted by court order (GRS #14) and should not be destroyed.

ADMINISTRATIVE MANAGEMENT RECORDS

This category includes official directives, forms, records management files and committee, conference and organizational records. The records continue to be restricted by court order (GRS #16) and should not be destroyed.

SECURITY AND PROTECTIVE SERVICE RECORDS

This category of records includes classified document receipts relating to the receipt and dispatch of classified documents; emergency planning records; and records relating to facilities security, including guard functions, lost or stolen property and key accountability. The records continue to be restricted by court order (GRS #18) and should not be destroyed.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

RESEARCH AND DEVELOPMENT RECORDS

This category of records continues to be restricted by court order (GRS #19) and records should not be destroyed.

MACHINE-READABLE RECORDS

This category of records continues to be restricted by court order (GRS #20) and records should not be destroyed.

AUDIO-VISUAL RECORDS

This category of records continues to be restricted by court order (GRS #21) and records should not be destroyed.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
 Exec AD Adm. _____
 Exec AD LES _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

TO : *RM* Finzel

DATE: 9/12/80

FROM : R. W. Scherrer *RWS*SUBJECT: DESTRUCTION OF BUREAU RECORDS - GENERAL
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b6

b7C

PURPOSE:

The purpose of this memorandum is to provide guidelines to the Personnel and Space Management Branch, Administrative Services Division (ASD), on records which may now be destroyed and those which continue to be restricted by the Court relative to the preliminary injunction issued by U. S. District Court Judge Harold H. Greene on 1/10/80.

SYNOPSIS:

Headquarters divisions have observed a moratorium on record destruction in response to preliminary injunction issued by Judge Greene on 1/10/80. The Court Order has been modified and Headquarters divisions are being provided with specific guidelines in order to initiate a limited destruction program. The Office of Equal Employment Opportunity Affairs and the Financial Management Branch are being advised by separate communication.

RECOMMENDATION:

That this memorandum be referred to the Personnel and Space Management Branch, ASD, for appropriate action.

APPROVED: *CEM*
TK

Director _____

Exec. AD-Adm. _____

Exec. AD-Inv. _____

Exec. AD-LES _____

Adm. Serv. *TK*

Crim. Inv. _____

Ident. _____

Intell. _____

Laboratory _____

Legal Coun. _____

Plan. & Insp. _____

Rec. Mgnt. *RM*

Tech. Servs. _____

Training _____

Off. of E.O. 12812
& Public Affs. _____

66-3286

4 - Mr. McKinnon

Attn: _____

Attn: _____

Attn: _____

Attn: _____

1 - Mr. Mintz

Attn: _____

1 - Mr. Finzel (Admin.)

1 - Mr. Scherrer

1 - _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 EFW/TK

b6

b7C

CONTINUED OVER

FBI/DOJ

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DETAILS:

Bureau teletype, 1/11/80, advised FBIHQ and all offices to immediately suspend all destruction programs pursuant to the preliminary injunction issued by Judge Harold H. Greene, U. S. District Court, District of Columbia, on 1/10/80 in civil action "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655."

On 2/20/80 and 4/3/80, Judge Greene issued modified orders which would permit destruction of records pursuant to certain General Records Schedules (GRS), 22 schedules which provide authorized retention periods for administrative records common to most Federal agencies. In addition, the modified orders addressed requests for relief in specific areas in which record maintenance imposed an administrative burden. The latter category was presented to the Court in the form of individual affidavits.

Legal Counsel memorandum to the Director, dated 8/15/80, provided the current status of the litigation and authorized the Records Management Division (RMD) to initiate a limited destruction program for records applicable to the GRS.

Therefore, in accordance with this authority, the Personnel and Space Management Branch may pursue a limited disposal program as outlined below. Retention periods which are not responsive to the needs of ASD due to inadequate or excessive retention or which deviate from established Bureau policy, should be brought to the attention of RMD, Records Systems Section, in order to secure proper authorization from the National Archives and Records Service (NARS) to extend/reduce the retention periods. Accurate statistics should be maintained for records destroyed for inclusion in the annual record count. The Office of Equal Employment Opportunity Affairs and the Financial Management Branch are being advised separately.

For informational purposes, categories of records which continue to be restricted from destruction are also noted. Archival authority has either been withdrawn or the records are subject to review by NARS prior to any issuance of disposal authority. In any event, the records should be preserved.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

EXEMPTED FROM COURT ORDER

ALL DIVISIONS MAY PROCEED WITH DESTRUCTION OF FOLLOWING RECORDS:

EMPLOYEE RECORD CARDS
Index used for informational
purposes.

GRS #1, Item 6.
Destroy on separation or
transfer of employee.

SUPERVISOR'S PERSONNEL FILES
Records on individual employees
duplicated in or not appropriate
for the Official Personnel Folder
(OPF), including production
records and Notice of Tardiness.

GRS #1, Item 18a.
Review annually and destroy
superseded documents; or
destroy all documents
relating to an individual
employee 1 year after
separation or transfer.

LEAVE RECORDS
T&A Registers; Number One
Register; Number Two Registers;
Leave Accounting Listings; Leave
Requests; SF-71s; Doctors
Certificates; Record of Absences
for Illness (FD-304).

GRS #2, Item 3, 8, 9.
Destroy when 3 years old.

SERVICE LISTINGS
Correspondence, forms, and other
records relating to the
compilation of directory service
listings, assignment charts, and
routing slips.

GRS #11, Item 3.
Destroy 2 months after
issuance of listing.
(Request has been submitted
to reduce retention to
"Destroy after
distribution")

PERSONNEL AND SPACE MANAGEMENT BRANCH
Special Agent Transfers and Traffic Management Unit

TRAVEL AND TRANSPORTATION RECORDS
(DISPOSAL PERMITTED BY GRS #9)

This schedule covers records pertaining to the
movement of goods and persons under Government orders. The
record keeping involved in the movements centers around bills of
lading, transportation requests, vouchers, and associated
records, including those prescribed by Title 5 of the General
Accounting Office Policy and Procedures Manual.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

1. FREIGHT FILES

Records relating to freight consisting of export certificates, transit certificates, demurrage car record books, shipping documents pertinent to freight classification, memorandum copies of Government or commercial bills of lading, shortage and demurrage reports, and all supporting documents; and including records relating to the shipment of household goods.

- | | |
|---|--|
| a. Issuing office memorandum copies other than those identified in 1d. | Destroy when 3 years old. |
| b. All other copies | Destroy when 1 year old. |
| c. Registers and control records. | Destroy when 3 years old. |
| d. Records on international shipments of household goods moved by freight forwarders. | Destroy 6 years after the period of the account. |

2. LOST OR DAMAGED SHIPMENTS FILES

Schedules of valuables shipped, correspondence, memoranda, reports, and other records relating to the administration of the Government Losses in Shipment Act.	Destroy when 3 years old.
--	---------------------------

PERSONNEL SECTION

CIVILIAN PERSONNEL RECORDS

Any records created prior to January 1, 1921, must be offered to the National Archives and Records Service for possible permanent retention before these disposition instructions may be applied.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

CAUTION should be exercised to insure that the following records are retained in accordance with the modified orders issued by Judge Greene:

Conflict of Interest; Personnel Counseling records including interviews and analyses and records relating to the Alcohol and Drug Abuse Program; Standards of Conduct files; Grievance, Disciplinary, and Adverse Action files; Personal Injury files and temporary records relating to promotions. Destruction of these record categories is authorized by GRS #1, Items 25 through 28 and 31 through 33, which continue to be governed by the 1/10/80 Order. Pertinent records should be preserved for the NARS review.

Official Personnel Folders

Personnel Records Unit, Records Management Division, is being authorized to proceed with purge functions as they relate to files of Out-of-Service clerical personnel and applications for employment which did not result in appointment. The program will be conducted pursuant to established guidelines and above restrictions will be applied. Certain "Special files" will be purged according to previously granted authority; however, the majority will be retained for the NARS review due to the nature of the files and their historical potential.

Directives, Forms and Manuals

All records related to Bureau-issued directives, forms, manuals and supporting papers continue to be restricted by Court Order (GRS #16) and records should be preserved for review by NARS.

(Disposal Permitted by GRS #1)

2. SERVICE RECORD CARDS;
OUT-OF-SERVICE PAYROLL CARDS
Service Record Card (Standard Form 7 or its equivalent).

a. Cards for employees separated or transferred on or before December 31, 1947.

Transfer to NPRC (CPR) St. Louis, Missouri. Destroy 60 years after earliest personnel action date.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS,
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b. Cards for employees
separated or transferred on
or after January 1, 1948.

Destroy 3 years after
separation or transfer of
employee.

6. EMPLOYEE RECORD CARDS

Employee record cards used for
informational purposes outside
personnel offices (such as SF
7-B). (Analytical and Aptitude
Examinations Index; Field
personnel needs; Supervisory
Support Specialists, SP, Office
of Preference; and Vocational
Index.)

Destroy on separation or
transfer of employee.

7. POSITION CLASSIFICATION FILES

a. Position Classification
Standards Files

(1) Standards. CSC
standards determining
title, series, and grade
based on duties,
responsibilities, and
qualifications
requirements.

Destroy 5 years after
position is abolished or
description is superseded.

(2) Development.
Memoranda, correspondence
and other records
relating to the
development of standards
for classification of
positions peculiar to the
agency and CSC approval
or disapproval.

(a) Case File.

Destroy 5 years after
position is abolished or
description is superseded.

(b) Review File.

Destroy when 2 years old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b. Position Descriptions.
Files describing established
positions including
information on title, series,
grade, duties and
responsibilities.

- | | |
|-----------------------|--|
| (1) Record copy. | Destroy 5 years after
position is abolished or
description superseded. |
| (2) All other copies. | Destroy when position is
abolished or description
superseded. |

c. Survey Files

(1) Classification
Survey Reports. Survey
reports on various
positions prepared by
classification
specialists, including
periodic reports such as
Annual Whitten Amendment
report and Annual
Supergrade Position
Report.

- | | |
|---|---|
| (a) Office of origin. | Destroy when 3 years old or 2
years after regular
inspection, whichever is
sooner. |
| (b) Inspection, Audit
and Survey Files.
Correspondence,
memoranda, reports
and other records
relating to
inspections, surveys,
desk audits and
evaluations. | Destroy when obsolete or
superseded. |

d. Appeals Files.

Case files relating to
classification appeals.

Destroy 3 years after case is
closed.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

9. PERFORMANCE RATING BOARD CASE FILES

Copies of case files forwarded to CSC relative to performance rating board reviews.

Destroy 1 year after case is closed for case files created prior to Civil Service Reform Act of 1978.

10. TEMPORARY INDIVIDUAL EMPLOYEE RECORDS

All copies of correspondence and forms maintained on the left side of the Official Personnel Folder in accordance with Federal Personnel Manual, Chapter 293, and Supplement 293-31.
(Personnel Records Unit, Records Management Division)

Destroy upon separation or transfer of employee or when 1 year old, whichever is sooner.

11. POSITION IDENTIFICATION STRIPS; POSITION CARDS

Strips such as Standard Form 7D, used to provide summary data on each position occupied.

Destroy when position is cancelled or new strip is prepared.

12. EMPLOYEE AWARDS FILES

Disposition of general awards files will be handled by the Personnel Records Unit based on previous approval.

d. Lists or Indexes to Agency Award Nominations.

Lists of nominees and winners, and indexes of nominations.

Destroy when superseded or obsolete.

Service Award Index -
Headquarters and Field;
Incentive Awards - Alpha Index; Payroll cards - employees due within-grade increase; and Seniority Index.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

13. INCENTIVE AWARDS PROGRAM
REPORTS

Reports pertaining to the
operation of the Incentive
Awards Program.

Destroy when 3 years old.

14. NOTIFICATIONS OF PERSONNEL
ACTION

Standard Form 50 documenting
initial employment, promotions,
transfers, in or out,
separation, and all other
individual personnel actions,
exclusive of those in Official
Personnel Folders.

b. All other copies
maintained in personnel
offices.

Destroy when 1 year old.
(Request has been submitted
to NARS to reduce retention
to "1 year old or when
administrative needs have
been met, whichever is
earlier.")

15. EMPLOYMENT APPLICATIONS

Applications (Standard Form 171)
and related records, EXCLUDING
records relating to appointments
requiring Senatorial
confirmation and applications
resulting in appointment which
are filed in the Official
Personnel Folder. Disposition
will be handled by the Personnel
Records Unit.

Destroy upon receipt of Civil
Service Commission inspection
report or when 2 years old,
whichever is earlier,
providing the requirements of
the Federal Personnel Manual,
Chapter 333, Section A-4, are
observed.

16. PERSONNEL OPERATIONS
STATISTICAL REPORTS

Statistical reports in the
operating personnel office and
subordinate units relating to
personnel.

Destroy when 2 years old.
(Request has been submitted
to NARS to extend retention
to 10 years.)

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

17. CORRESPONDENCE AND FORMS
FILES

Operating personnel office records relating to individual employees not maintained in Official Personnel Folders and not provided for elsewhere in this schedule.

a. Correspondence and forms relating to pending personnel actions.

Destroy when action is completed. (Request has been submitted to NARS to extend retention to 5 years.)

b. Retention Registers.

(1) Registers from which reduction-in-force actions have been taken.

Destroy when 2 years old. (Request has been submitted to NARS to extend retention to 5 years.)

(2) Registers from which no reduction-in-force actions have been taken.

Destroy when superseded or obsolete.

18. DUPLICATE DOCUMENTATION AND
PERSONNEL FILES MAINTAINED
OUTSIDE PERSONNEL OFFICES

a. Supervisor's Personnel Files.

Correspondence, memoranda, forms and other records relating to positions, authorizations, pending actions; copies of position descriptions; requests for personnel action, and records on individual employees duplicated in or not appropriate for the Official Personnel Folder.

Review annually and destroy superseded or obsolete documents; or destroy all documents relating to an individual employee 1 year after separation or transfer.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b. Duplicate Documentation

Other copies of documents duplicated in Official Personnel Folders not provided for elsewhere in this schedule. (Request submitted to NARS to adjust retention for duplicate records of field personnel files.)

Destroy when 6 months old.

19. INDIVIDUAL HEALTH RECORD FILES

Cards which contain such information as date of employee's visit, diagnosis and treatment.

Destroy 6 years after date of last entry.

20. HEALTH UNIT CONTROL FILES

Logs or registers reflecting daily number of visits to dispensaries, first aid rooms and health units.

a. If information is summarized on statistical reports.

Destroy 3 months after last entry. (Request has been submitted to NARS to extend retention to 1 year after last entry.)

b. If information is not summarized.

Destroy 2 years after last entry.

21. INDIVIDUAL EMPLOYEE HEALTH CASE FILE

Forms, correspondence and other records relating to an employee's medical history, occupational injuries or diseases, physical examinations, and all treatment received in the Health Unit, EXCLUDING pre-employment physical examinations and disability

Destroy 6 years after last entry. (Request has been submitted to NARS to extend retention to coincide with disposition of the OPF.)

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

retirement and fitness for duty examinations which are filed in the Official Personnel Folder (OPF) upon separation of employee (Ref: FPMS 293-31). Those records not required for filing in the OPF, if not retained by the agency, may be transferred to the local Federal Records Center. Under no circumstances should these files be sent to the National Personnel Records Center (CPR).

22. STATISTICAL SUMMARIES

Copies of statistical summaries and reports with related papers pertaining to employee health, retained by the reporting unit.

Destroy 2 years after date of summary or report. (Request has been submitted to NARS to extend retention to 5 years.)

23. PERFORMANCE RATING RECORDS

b. General or case files of forms, memoranda, and correspondence.

Destroy when 3 years old.

c. Appeals Files.

Memoranda, correspondence and other records relating to employee appeals of performance rating.

Destroy 3 years after final settlement of case.

25. CONFLICT OF INTEREST CASE FILES

Statements of employment and financial interests and related records.

Restricted by court order.

26. EQUAL EMPLOYMENT OPPORTUNITY RECORDS

Restricted by court order.

a. Official Discrimination Complaint Case Files.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Complaints with related correspondence, reports, exhibits, withdrawal notices, copies of decisions, records of hearings and meetings, and other records as described by 5 CFR 713.222.

(1) Cases resolved within the agency.

(2) Cases resolved by the Civil Service Commission or a U. S. Court.

b. Copies of Complaint Case Files.

Duplicate case files or documents pertaining to case files retained in Official File Discrimination Complaint Case File.

c. Background Files.

Background records not filed in the Official Discrimination Complaint Case Files.

d. Compliance Records.

(1) Compliance Review Files.

Reviews, background papers and correspondence relating to contractor employment practices.

(2) EEO Compliance Reports.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

e. Employee Housing
Requests.

Forms requesting agency
assistance in housing
matters, such as rental or
purchase.

f. Employee Statistics
Files.

Employment statistics
relating to race and sex.

g. EEO General Files.

General Correspondence and
copies of regulations with
related records pertaining to
the Civil Rights Act of 1964,
the EEO Act of 1972, and any
pertinent future legislation;
and agency EEO Commission
meeting and records including
minutes and reports.

h. EEO Affirmative Action
Plans (AAP).

(1) Agency copy of
consolidated AAP(s).

(2) Agency feeder plan to
consolidated AAP(s).

27. PERSONNEL COUNSELING RECORDS Restricted by Court Order.

a. Counseling files.

Reports of interviews,
analyses and related
records.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b. Alcohol and Drug Abuse
Program.

Records created in planning,
coordinating and directing an
alcohol and drug abuse
program.

28. STANDARDS OF CONDUCT FILES

Correspondence, memoranda and
other records relating to codes
of ethics and standards of
conduct.

Restricted by Court Order.

29. LABOR MANAGEMENT RELATIONS
RECORDS

b. Labor Arbitration General
and Case Files.

Correspondence, forms, and
background papers relating to
labor arbitration cases.

Destroy 5 years after final
resolution of case. (Deferred
to the NARS Study.)

30. TRAINING RECORDS

a. Training Aids

(1) One copy of each
manual, syllabus,
textbook, and other
training aid developed by
the agency.

Submit SF-115, Request for
Records Disposition
Authority.

(2) Training aids from
other agencies or private
institutions.

Destroy when obsolete or
superseded.

b. General file of
agency-sponsored training.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

(1) Correspondence, memoranda, agreements, authorizations, reports, requirement reviews, plans, and objectives relating to the establishment and operation of training, courses and conferences.

Destroy when 5 years old or 5 years after completion of a specific training program.

(2) Background and workpapers

Destroy when 3 years old.

c. Employee Training.

Correspondence, memoranda, reports and other records relating to the availability of training and employee participation in training programs sponsored by other Government agencies or non-Government institutions.

Destroy when 5 years old or when superseded or obsolete, whichever is sooner.

d. Course Announcement Files.

Reference file of pamphlets, notices, catalogs and other records which provide information on courses or programs offered by Government or non-Government organizations.

Destroy when superseded or obsolete.

31. GRIEVANCE, DISCIPLINARY AND
ADVERSE ACTION FILES

a. Grievance, Appeals Files
(5 CFR 771).

Records originating in the review of grievance and appeals raised by agency employees, except EEO

Restricted by Court Order.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

complaints. These case files include statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original decision, related correspondence and exhibits, and records relating to a reconsideration request.

b. Adverse Action Files (5 CFR 752).

Case files and related records created in reviewing an adverse action (disciplinary or nondisciplinary removal, suspension, leave without pay, reduction-in-force) against an employee. The file includes a copy of the proposed adverse action with supporting papers; statements of witnesses; employee's reply; hearing notices, reports and decisions; reversal of action; and appeal records, EXCLUDING letters of reprimand.

32. PERSONAL INJURY FILES

Forms, reports, correspondence and related medical and investigatory records relating to on-the-job injuries, whether or not a claim for compensation was made, EXCLUDING copies filed in the Official Personnel Folder and copies submitted to the Department of Labor.

Restricted by Court Order.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

33. TEMPORARY RECORDS RELATING
TO PROMOTIONS

Records relating to the promotion of an individual that document qualification standards, evaluation methods, selection procedures, and evaluations of candidates, EXCLUDING any records that duplicate information in the promotion plan, in the Official Personnel Folders, or in other personnel records. Restricted by Court Order.

PRINTING AND SPACE MANAGEMENT SECTION
(Disposal permitted by GRS #11)

Any records created prior to the establishment of the Public Buildings Administration in 1939 must be offered to the National Archives and Records Service before applying these disposition instructions.

1. SPACE AND MAINTENANCE GENERAL
CORRESPONDENCE FILES

Correspondence files of the unit responsible for space and maintenance matters, pertaining to its own administration and operation, and related papers. Destroy when 2 years old

2. AGENCY SPACE FILES

Records relating to the allocation, utilization, and release of space under agency control, and related reports to General Services Administration.

a. Building plan files and related agency records utilized in space planning, assignment, and adjustment.

Destroy 2 years after termination of assignment, or when lease is cancelled, or when plans are superseded or obsolete.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b. Correspondence with and reports to staff agencies relating to agency space holdings and requirements.

(1) Agency records to General Services Administration regarding space occupied in "Metropolitan Washington" and "Outside the District of Columbia", and related papers.

Destroy when 2 years old

(2) Copies in subordinate reporting units and related work papers.

Destroy when 1 year old.

3. DIRECTORY SERVICE FILES

Correspondence, forms and other records relating to the compilation of directory service listings.

Destroy 2 months after issuance of listing. (Request has been submitted to NARS to reduce retention to "Destroy after distribution.")

4. CREDENTIALS FILES

Identification credentials and related papers.

a. Identification credentials including cards, badges, parking permits, photographs, agency permits to operate motor vehicles, and property, dining room and visitors passes, and other identification credentials.

Destroy credentials 3 months after return to issuing office.

b. Receipts, indices, listings and accountable records.

Destroy after all listed credentials are accounted for.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

5. BUILDING AND EQUIPMENT
SERVICE FILES

Requests for building and
equipment maintenance services,
excluding fiscal copies.

Destroy 3 months after work
performed or requisition
cancelled.

Printing, Binding, Duplication, and Distribution of Records
(Disposal permitted by GRS #13)

Any records created prior to January 1, 1921, must be
offered to the National Archives and Records Service before
applying these disposition instructions.

1. PUBLICATIONS FILES

a. Record copy if maintained
in duplicating or
distribution unit, of each
publication, poster, chart,
directive, regulation,
booklet, speech, form, press
release, and similar
material. (This item does
not cover copies and related
program material retained in
originating office.)

Submit SF-115, Request for
Records Disposition
Authority.

b. All other copies.

Destroy when superseded,
obsolete or no longer
needed.

2. ADMINISTRATIVE CORRESPONDENCE
FILES

Correspondence files pertaining
to the administration and
operation of the unit responsible
for printing, binding,
duplication and distribution
matters, and related papers.

Destroy when 2 years old.

3. PROJECT FILES

Job or project records containing
all papers and data pertaining to
the planning and execution of
printing, binding, duplication,
and distribution jobs.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

a. Files pertaining to the accomplishment of the job, containing requisitions, bills, samples, manuscript clearances, and related papers exclusive of (1) requisitions on the Public Printer and related records; and (2) records relating to services obtained outside the agency.

Destroy 1 year after completion of job.

b. Files pertaining to planning and other technical matters.

Destroy when 3 years old.

4. CONTROL FILES

Control registers pertaining to requisitions and work orders.

Destroy 1 year after close of fiscal year in which compiled or 1 year after filling of register, whichever is applicable.

5. MAILING LISTS

a. Correspondence, request forms and other records relating to changes in mailing lists.

Destroy after appropriate revision of mailing list or after 3 months, whichever is earlier.

b. Card lists.

Destroy individual cards when cancelled or revised.

c. Plate or stencil mailing lists.

Destroy plates or stencils when cancelled or revised.

6. JCP REPORTS FILES

Reports to Congress and related records.

a. Agency reports to Joint Committee on Printing regarding operation of Class A and B Plants and inventories of printing, binding, and related equipment in Class A and B Plants or in storage.

Destroy when 3 years old.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

b. Copies in subordinate reporting units and related work papers.

Destroy 1 year after date of report.

7. INTERNAL MANAGEMENT FILES

Records relating to internal management and operation of the unit.

Destroy when 2 years old.

SECURITY AND PROTECTIVE SERVICES RECORDS

This category of records continues to be restricted by Court Order (GRS #18) and records should be preserved for review by NARS. A description of the records is being provided for identification purposes only.

1. SECURITY POLICY FILES

Manuals, directives, plans, reports, and correspondence reflecting policies and procedures developed in the administration and direction of security and protective services programs.

FACILITIES SECURITY AND PROTECTIVE SERVICES RECORDS

Records relating to measures taken for the protection of Government-owned facilities and privately operated facilities given security cognizance by the Government from unauthorized entry, sabotage, or loss.

9. SECURITY AND PROTECTIVE SERVICES ADMINISTRATIVE CORRESPONDENCE FILES

Correspondence files relating to administration and operation of the facilities security and protective services programs.

10. SURVEY AND INSPECTION FILES

(Government-owned facilities)

Reports of surveys and inspections of Government-owned facilities conducted to insure adequacy of protective and preventive measures taken against hazards of fire, explosion, and accidents, and to safeguard information and facilities against sabotage and unauthorized entry.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

11. SURVEY AND INSPECTION FILES

(Privately owned facilities)

Reports of surveys and inspections of privately owned facilities assigned security cognizance by Government agencies, and related papers.

12. INVESTIGATIVE FILES

Investigative files accumulating from investigations of fires, explosions, and accidents, consisting of retained copies of reports and related papers when the original reports are submitted for review and filing in other agencies or organizational elements, and reports and related papers concerning occurrences of such a minor nature that they are settled locally without referral to other organizational elements.

13. PROPERTY PASS FILES

Property pass files, authorizing removal of property or materials.

14. GUARD ASSIGNMENT FILES

Files relating to guard assignments and strength.

- a. Ledger records.
- b. Requests, analyses, reports, change notices, and other papers relating to post assignments and strength requirements.

15. POLICE FUNCTIONS FILES

Files relating to exercise of police functions.

- a. Ledger records of arrest, cars ticketed, and outside police contracts.
- b. Reports, statements of witnesses, warning notices, and other case papers relating to arrest, commitments, and traffic violations.
- c. Reports on contact of outside police with building occupants.

16. PERSONAL PROPERTY ACCOUNTABILITY FILES

Files relating to accountability for personal property lost or stolen.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- a. Ledger files.
- b. Reports, loss statements, receipts and other papers relating to lost and found articles.

17. KEY ACCOUNTABILITY FILES

Files relating to accountability for keys issued.

18. VISITOR CONTROL RECORDS

Registers or logs used to record names of outside contractors, service personnel, visitors, employees admitted to areas, and reports on automobiles and passengers.

19. FACILITIES CHECKS FILES

Files relating to periodic guard force facility checks.

- a. Data sheets, door slip summaries, check sheets, and guard reports on security violations.
- b. Reports of routine after-hours security checks which either do not reflect security violations, or for which the information contained therein is documented in agency files.

20. GUARD SERVICE CONTROL FILES

- a. Control center key or code records, emergency call cards, and building record and employee identification cards.
- b. Round reports, service reports on interruptions and tests, and punch clock dial sheets.
- c. Automatic machine patrol charts and registers of patrol and alarm services.
- d. Arms distribution sheets, charge records, and receipts.

21. LOGS AND REGISTERS

Guard logs and registers not covered elsewhere in this schedule.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- a. Central guard office master logs.
- b. Individual guard post logs of occurrences entered in master logs.

TRAVEL AND TRANSPORTATION RECORDS
(Disposal permitted by GRS #9)

This schedule covers records pertaining to the movement of goods and persons under Government orders. The record keeping involved in the movements centers around bills of lading, transportation requests, vouchers, and associated records, including those prescribed by Title 5 of the General Accounting Office Policy and Procedures Manual.

1. FREIGHT FILES

Records relating to freight consisting of export certificates, transit certificates, demurrage car record books, shipping documents pertinent to freight classification, memorandum copies of Government or commercial bills of lading, shortage and demurrage reports, and all supporting documents; and including records relating to the shipment of household goods.

- a. Issuing office memorandum Destroy when 3 years old.
copies other than those
identified in ld.
- b. All other copies. Destroy when 1 year old.
- c. Registers and control Destroy when 3 years old.
records.
- d. Records on international Destroy 6 years after the
shipments of household goods period of the account.
moved by freight forwarders.

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

2. LOST OR DAMAGED SHIPMENTS
FILES

Schedules of valuables shipped, Destroy when 3 years old.
correspondence, memoranda,
reports, and other records
relating to the administration of
the Government Losses in Shipment
Act.

PUBLIC PRINTER FILES (GRS #3,
Item 7)

Records relating to requisitions
on the Printer, and all
supporting papers.

- | | |
|---|--|
| a. Printing procurement unit
copy of requisition, invoice,
specifications, and related
papers. | Destroy 3 years after
completion or cancellation of
requisition. |
| b. Accounting copy of
requisition. | Destroy 3 years after period
covered by related account. |

RESTRICTED FROM DESTRUCTION - ALL DIVISIONS

RECORDS OF THE CENTRAL RECORDS SYSTEM

All records filed in classifications 1 through 212 are
subject to review by NARS, are restricted by court order, and
should not be destroyed. (Exceptions: Files related to Privacy
Act requests and records of the Official Personnel Folder.)

BUDGET PREPARATION, PRESENTATION AND APPORTIONMENT RECORDS

This record category includes budget policy files;
budget estimates and justification files; budget correspondence
files; budget background records; budget reports files; and
budget apportionment files. The records continue to be
restricted by court order (GRS #5) and should not be destroyed.

INFORMATIONAL SERVICES RECORDS

This record category consists of routine inquiries,
replies and related correspondence with the public; records
created in administering the Freedom of Information and Privacy
Acts Programs; and formal informational releases and

Memorandum R. W. Scherrer to Mr. Finzel
DESTRUCTION OF BUREAU RECORDS
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

publications, such as press releases, press conference transcripts, official speeches and indexes thereto. The records continue to be restricted by court order (GRS #14) and should not be destroyed.

ADMINISTRATIVE MANAGEMENT RECORDS

This category includes official directives, forms, records management files and committee, conference and organizational records. The records continue to be restricted by court order (GRS #16) and should not be destroyed.

SECURITY AND PROTECTIVE SERVICE RECORDS

This category of records includes classified document receipts relating to the receipt and dispatch of classified documents; emergency planning records; and records relating to facilities security, including guard functions, lost or stolen property and key accountability. The records continue to be restricted by court order (GRS #18) and should not be destroyed.

RESEARCH AND DEVELOPMENT RECORDS

This category of records continues to be restricted by court order (GRS #19) and records should not be destroyed.

MACHINE-READABLE RECORDS

This category of records continues to be restricted by court order (GRS #20) and records should not be destroyed.

AUDIO-VISUAL RECORDS

This category of records continues to be restricted by court order (GRS #21) and records should not be destroyed.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Finzel *7/Rur*

DATE: 9/24/80

FROM : R. W. Scherrer *Rur*

SUBJECT: RECORDS DISPOSITION PROGRAM
DESTRUCTION OF BUREAU RECORDS - GENERAL

DOJ ORDER 2710.9

PURPOSE: The purpose of this memorandum is to record receipt of Department of Justice (DOJ) Order DOJ 2710.9A, dated 8/6/80, which establishes the records disposition program for all components of the Department in accordance with existing regulations.

RECOMMENDATION: None. For record purposes.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
		Rec. Mgnt. <i>7/Rur</i>
Director _____		Tech. Servs. _____
Exec. AD-Adm. _____	Ident. _____	Training _____
Exec. AD-Inv. _____	Intell. _____	Off. of Cong. & Public Affs. _____
Exec. AD-LES _____	Laboratory _____	

DETAILS: By letter dated 5/6/80, the Justice Management Division was advised that DOJ Order 2710.9A had been reviewed and that this Bureau concurred with the contents. The records disposition liaison officer was also designated.

Upon receipt of DOJ Order 2710.9, dated 7/10/79, and prior to receipt of instant Order, Robert M. Yahn, Records and Publications Staff, Justice Management Division, was telephonically contacted regarding the procedure for submitting requests for records disposition authority (SF-115) for individual Privacy Act requests. On both occasions, Mr. Yahn advised that, for the sake of expediency, individual requests related to the Privacy Act should continue to be submitted directly to the National Archives and Records Service.

A copy of approved DOJ Order 2710.9A, dated 8/6/80, which is self-explanatory, is attached.

Enclosure

66-3286

1 - Mr. Finzel (Admin.)

1 - Mr. Scherrer

1 - [redacted]

CMG:evp

66 OCT 7 1980

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-28-82 BY SP4 E2W/gHK

23 SEP 24 1980

b6
b7C

**DEPARTMENT
OF JUSTICE**

Order

DOJ 2710.9A

Aug. 6, 1980

^{FOI}
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60290 BCS/DCS/ymw

Subject: RECORDS DISPOSITION PROGRAM

1. PURPOSE. This order establishes a program for the disposition of records of the Department of Justice (DOJ) in accordance with 44 U.S.C. 3102 and the General Services Administration Federal Property Management Regulations.
2. SCOPE. This order applies to all components of the DOJ.
3. CANCELLATION. Order DOJ 2710.9 is cancelled.
4. DEFINITION OF TERMS.
 - a. Records. As defined in the Records Disposal Act of 1943 (now 44 U.S.C. 3301), "... books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. . . ."
 - b. Disposition. As described in 41 CFR 101-11.102-5, "provisions. . . made to insure that records of continuing value are preserved but that records no longer of current use to an agency are promptly disposed of or retired. Effective techniques for accomplishing these ends are the development of records control schedules; the transfer of records to records centers and to the National Archives; the microfilming of appropriate records; and the disposal of valueless records."
5. PROGRAM OBJECTIVES. The basic objectives of the records disposition program are:
 - a. The timely and systematic removal of records deemed temporary by

Distribution: OBD/H-2
BUR/H-2

Initiated By: Justice Management
Division, Records and
Publications Staff

66-3286-1358

ENCLOSURE

the creating component, the Department and the Government for later destruction by the Department or a Federal Archives and Records Center.

- b. The designation of permanent records having sufficient historical and archival values to warrant immediate or later transfer to the National Archives for permanent preservation.

6. RESPONSIBILITIES.

- a. Justice Management Division. The Records Management Group (RMG), Records and Publications Staff (RPS), Justice Management Division shall:

- (1) Establish general records disposition policy and standards for the DOJ.
- (2) Act as a liaison with the National Archives and Records Service (NARS) for Department program direction.
- (3) Review all requests for records disposition authority (Standard Form 115) which are originated by Offices, Boards, Divisions and Bureaus and submit them to NARS for approval.
- (4) Provide assistance and advice on records disposition matters to officials throughout the Department.
- (5) Evaluate the Department's program periodically to ensure its operation at peak efficiency.

- b. Offices, Boards, Divisions and Bureaus. Each Office, Board, Division and Bureau shall:

- (1) Implement policy and standards for records disposition set forth in guidance published by the Department and the General Services Administration (Federal Property Management Regulations). Submit any supplementary program guidance to RMG for review prior to issuance (Offices, Boards, and Divisions only).
- (2) Submit all requests for records disposition authority (Standard Form 115) to NARS via RMG.
- (3) Ensure timely removal from office space and equipment of noncurrent records.

- (4) Encourage the use of Federal records centers as storage facilities for records with reduced reference activity.
 - (5) Ensure that records of archival value are identified properly for eventual transfer to NARS.
 - (6) Establish a central point for approval or disapproval of all requisitions for filing equipment by evaluating need and by checking compliance with authorized records disposition instructions.
 - (7) Provide adequate staff to carry out program responsibilities.
 - (8) Ensure that program staff are adequately trained in coordination with RMG.
7. DESIGNATION OF RECORDS DISPOSITION LIAISON. Each Office, Board, Division and Bureau shall designate a records disposition liaison officer to serve as the primary contact point for the component, including its field offices, and advise RMG in writing of the name of that individual. Changes in designation should be reported as soon as possible.


KEVIN D. ROONEY
Assistant Attorney General
for Administration

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : Mr. Colwell *cc/ef*

DATE: 10/7/80

FROM : *By* P. Finzel

SUBJECT: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Serv. *cc/ef*
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

PURPOSE:

DESTRUCTION OF BUREAU PROPERTY - GENERAL

The purpose of this memorandum is to record receipt of FPMR (Federal Property Management Regulations) Bulletin B-98 which authorizes Federal agencies to resume disposal of military service records and to delete the previous withdrawal of authority from the MAOP.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

RECOMMENDATION:

DATE *9-28-92* BY *SP4 EEW/gmk*

That, upon approval of manual change, instant memorandum be forwarded to the Manuals Desk, Administrative Services Division (ASD), for appropriate action.

APPROVED:

Director _____
Exec AD-Adm. *cc/ef*
Exec AD-Inv. _____
Exec AD-LES _____
Adm. Serv. *cc/ef*
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. *RM*
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____

DETAILS:

REASON FOR CHANGE

By way of background, [] memorandum to Mr. Marshall, dated 11/27/73 (66-3286-1146), advised that disposal authority for certain military records was withdrawn due to the fire at the Military Personnel Records Center building,

Enclosure
66-3286

- 1 - 66-19198 (Manual of Administrative Operations and Procedures)
- 1 - 42-00 (Deserters - Administration)
- 1 - Mr. McKinnon (Attn: Manuals Desk)
- 1 - Mr. Revell (Attn: Mr. Cavanagh)
- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 - [] (RMD Control Folder)

b6
b7C

15 OCT 27 1980

THREE

FBI/DOJ

42-90-
66-19198-
UNRECORDED COPY FILED IN

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

b6

b7C

St. Louis, Mo., and enclosed a copy of FPMR Bulletin B-40, dated 9/21/73, which set forth criteria for records to be retained. The memorandum noted that Tom Wadlow, Records Disposition Division, Archives and Records, General Services Administration, had been contacted regarding disposal of field office records. [] advised that, if the field offices had forwarded the records to Headquarters, the Headquarters record would be considered as the record copy and field offices could destroy their files in accordance with existing authority. Field offices were furnished these instructions by SAC Memorandum 55-73, dated 12/4/73 (66-04-3964).

FPMR Bulletin B-98, dated 4/28/80 (attached), cancelled Bulletin B-40 and authorized Federal agencies to resume disposal of the previously restricted records. Due to pending litigation which prohibits destruction of investigatory records, field offices are not being delegated this authority. However, to preserve the integrity of our manuals, it appears that this restriction should be deleted from the MAOP.

Appropriate contact was made with []
Manuals Desk, ASD, on 9/29/80.

CHANGED TEXT

b6

b7C

MAOP, Part II, Section 2-4.5.2, page 303, should be deleted.

SAC MEMORANDUM

An SAC memorandum is not being prepared since implementation of this authority is prohibited by pending litigation.

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

April 28, 1980

GSA BULLETIN FPMR B-98
ARCHIVES AND RECORDS

TO: Heads of Federal agencies

SUBJECT: ~~X~~ Disposal authorization covering military service records

1. Purpose. This bulletin reinstates disposal authorizations that were withdrawn by GSA Bulletin FPMR B-40. All Federal agencies may resume disposal of these records in accordance with approved disposition schedules.
2. Expiration date. This bulletin contains information of a continuing nature and will remain in effect until canceled.
3. Background. A fire at the National Personnel Records Center (Military Personnel Records Building), St. Louis, Missouri, in July 1973, destroyed service records of former members of the Armed Forces. GSA Bulletin FPMR B-40 directed Federal agencies to suspend indefinitely the disposal of any records that could be used to reconstitute records of military service in the U.S. Army for individuals discharged between November 1, 1912, and December 31, 1959, and in the U.S. Air Force between September 18, 1947, and December 31, 1963. The records collected as a result of that bulletin increased the Center's reconstruction capability and the freeze on disposals can now be lifted.
4. Cancellation. GSA Bulletin FPMR B-40 is canceled.

James E. O'Neill
JAMES E. O'NEILL
Acting Archivist
of the United States

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCF/DCG/ymw
#03-R0762

66-3286-1359
ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

TO : Mr. Finzel

DATE: 9/12/80

FROM : R. W. Scherrer *RWS*SUBJECT: *Property*
~~DESTRUCTION OF BUREAU RECORDS~~
~~PARTIAL RESUMPTION OF RECORD~~
~~DESTRUCTION PROGRAMS~~PURPOSE:

The purpose of this memorandum is to provide guidelines to the Office of Equal Employment Opportunity (EEO) Affairs and the Financial Management Branch, Administrative Services Division (ASD), on records which may now be destroyed and those which continue to be restricted by the Court relative to the preliminary injunction issued by U.S. District Court Judge Harold H. Greene on 1/10/80.

SYNOPSIS:

Headquarters divisions have observed a moratorium on record destruction in response to preliminary injunction issued by Judge Greene on 1/10/80. The Court Order has been modified and Headquarters divisions are being provided with specific guidelines in order to initiate a limited destruction program. Due to the volume of records maintained within ASD, the Personnel and Space Management Branch is being advised separately.

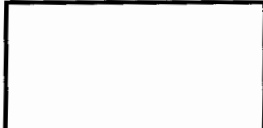
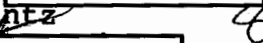


RECOMMENDATION:

That this memorandum be referred to the EEO Officer and Financial Management Branch, ASD, for appropriate action.

APPROVED:

Director _____	Adm. Serv. <i>RM</i>	Legal Coun. _____
Exec. AD-Adm. _____	Crim. Inv. _____	Plan. & Insp. _____
Exec. AD-Inv. _____	Ident. _____	Rec. Mgnt. <i>RM</i>
Exec. AD-LES _____	Intell. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Off. of Cong. & Public Affs. _____

66-3286

5 - Mr. McKinnon
Attn. Mr. Groover
Attn. 
Attn. 
Attn. 
Attn. 

1 - Mr. Mintz
Attn. 
1 - Mr. Finzel (Admin.)
1 - Mr. Scherrer

1 - 
63 NOV 19 1980
CMG:EEC (10)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-28-82 BY SP4 E2W/BNK

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

b6

b7C

UNRECORDED COPY FILED IN 66-1855-7

REC-101
Scherrer

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

DETAILS:

Bureau teletype, 1/11/80, advised FBIHQ and all offices to immediately suspend all destruction programs pursuant to the preliminary injunction issued by Judge Harold H. Greene, U.S. District Court, District of Columbia, on 1/10/80 in civil action "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655."

On 2/20/80 and 4/3/80, Judge Greene issued modified orders which would permit destruction of records pursuant to certain General Records Schedules (GRS), 22 schedules which provide authorized retention periods for administrative records common to most Federal agencies. In addition, the modified orders addressed requests for relief in specific areas in which record maintenance imposed an administrative burden. The latter category was presented to the Court in the form of individual affidavits.

Legal Counsel memorandum to the Director, dated 8/15/80, provided the current status of the litigation and authorized the Records Management Division (RMD) to initiate a limited destruction program for records applicable to the GRS.

Therefore, in accordance with this authority, ASD may pursue a limited disposal program as outlined below. Retention periods which are not responsive to the needs of ASD due to inadequate or excessive retention or which deviate from established Bureau policy, should be brought to the attention of RMD, Records Systems Section, in order to secure proper authorization from the National Archives and Records Service (NARS) to extend/reduce the retention periods. Accurate statistics should be maintained for records destroyed for inclusion in the annual record count. The Personnel and Space Management Branch is being advised by separate communication.

For informational purposes, categories of records which continue to be restricted from destruction are also noted. Archival authority has either been withdrawn or the records are subject to review by NARS prior to any issuance of disposal authority. In any event, the records should be preserved.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

EXEMPTED FROM COURT ORDER

ALL DIVISIONS MAY PROCEED WITH DESTRUCTION OF FOLLOWING RECORDS:

EMPLOYEE RECORD CARDS-

Index used for informational purposes.

GRS #1, Item 6.

Destroy on separation or transfer of employee.

SUPERVISOR'S PERSONNEL

FILES - Records on individual employees duplicated in or not appropriate for the Official Personnel Folder (OPF), including production records and Notice of Tardiness.

GRS #1, Item 18a.

Review annually and destroy superseded documents; or destroy all documents relating to an individual employee 1 year after separation or transfer.

LEAVE RECORDS - T&A Registers; Number One Registers; Number Two Registers; Leave Accounting Listings; Leave Requests; SF-71s; Doctors Certificates; Record of Absences for Illness (FD-304).

GRS #2, Items 3,8,9.

Destroy when 3 years old.

SERVICE LISTINGS - Correspondence, forms, and other records relating to the compilation of directory service listings, assignment charts, and routing slips.

GRS #11, Item 3.

Destroy 2 months after issuance of listing.

(Request has been submitted to reduce retention to "Destroy after distribution")

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY (EEO) AFFAIRS

EEO records remain under the Order of 1/10/80 and should be preserved for review by NARS.

FINANCIAL MANAGEMENT BRANCH
BUDGET AND ACCOUNTING SECTION

All budget preparation, presentation, and apportionment records remain under the Order of 1/10/80 (GRS #5) and should be preserved for review by NARS. A description of the records is being provided for identification purposes only. Records created prior to 1/1/21 must be offered to the National Archives.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Budget Policy Files.

Correspondence or subject files in formally organized budget offices documenting agency policy and procedures governing budget administration, and reflecting policy decisions affecting expenditures for agency programs.

Budget Estimates and Justifications Files.

- a. Copies of budget estimates and justifications prepared or consolidated in formally organized budget offices at the bureau (or equivalent) or higher organizational level. Included are appropriation language sheets, narrative statements, and related schedules and data.
- b. Working papers and background materials.

Budget Correspondence Files.

Correspondence files in formally organized budget offices pertaining to routine administration, internal procedures, and other matters not covered elsewhere in this schedule.

Budget Background Records.

Working papers, cost statements, and rough data accumulated in the preparation of annual budget estimates, including duplicates of papers described in item 2.

Budget Reports Files.

Periodic reports on the status of appropriation accounts and apportionment.

- a. Annual report (end of fiscal year).
- b. All other reports.

Budget Apportionment Files.

Apportionment and reapportionment schedules, proposing quarterly obligations under each authorized appropriation.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

PROPERTY PROCUREMENT AND MANAGEMENT SECTION.

Procurement, Supply, and Grant Records
(Disposal permitted by GRS #3)

Any records created prior to 1895 must first be offered to the National Archives and Records Service for possible permanent retention before applying the disposal instructions.

Additional items from this schedule were forwarded to the Contract Review Unit, Technical Services Division.

1. Unique Procurement Files.

Procurement files (as in item 4, below) documenting the initiation and development of transactions that deviate from established precedents with respect to general agency procurement programs, other than those covered by Item 13.

Submit SF 115, Request for Records Disposition Authority.

3. General Correspondence Files.

Correspondence files of operating procurement units concerning internal operation and administration matters not covered elsewhere in this schedule.

Destroy when 2 years old.

4. Routine Procurement Files.

Contract, requisition, purchase order, lease, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment (other than those covered in Items 1, 2, and 13).

- a. Procurement or purchase organization copy, and related papers.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- | | |
|---|---|
| (2) Transactions of \$10,000 or less and construction contracts under \$2,000, dated subsequent to July 25, 1974; and transactions of \$2,500 or less dated prior to July 26, 1974. | Destroy 3 years after final payment. (close file at the end of the fiscal year, retain 3 years and destroy, except that files on which actions are pending shall be brought forward to the next fiscal year's files for destruction therewith.) |
| (3) Transactions of more than \$2,500 dated prior to July 26, 1974. | Destroy 6 years after final payment. |
| b. Obligation copy. | Destroy when funds are obligated. |
| c. Other copies of records described above used by component elements of a procurement office for administrative purposes. | Destroy upon termination or completion. |

5. Supply Management Files.

Files of reports on supply requirements and procurement matters submitted for supply management purposes (other than those incorporated in case files or other files of a general nature), exclusive of Department of Defense Reports reflecting procurement under exemptions authorized under Section 201 (a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481).

- | | |
|--|---------------------------|
| a. Copies received from other units for internal purposes or for transmission to staff agencies. | Destroy when 2 years old. |
| b. Copies in other reporting units, and related work papers. | Destroy when 1 year old. |

8. Nonpersonal Requisition Files.

Requisitions for nonpersonal services, such as duplicating,	Destroy when 1 year old.
---	--------------------------

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

laundry, binding, and other services
(excluding records associated with
accountable officers' accounts
(Schedule 6)).

9. Inventory Requisition File.

Requisitions for supplies and
equipment for current inventory.

- | | |
|----------------------|--|
| a. Stockroom copy. | Destroy 2 years after
completion or cancellation
of requisition. |
| b. All other copies. | Destroy when 6 months old. |

10. Inventory Files.

- | | |
|--|--|
| a. Inventory lists. | Destroy 2 years from date
of list. |
| b. Inventory cards. | Destroy 2 years after
discontinuance of item
or 2 years after stock
balance is transferred
to new card or recorded
under a new classification,
or 2 years after equipment
is removed from agency control. |
| c. Report of survey files and
other papers used as evidence
for adjustment of inventory
records, not otherwise covered
in the GRS. | Destroy 2 years after date of
survey action or date of post-
ing medium. |

13. Tax Exemption Files.

- | | |
|---|---|
| Tax exemption certificates and
related papers. | Destroy 3 years after period
covered by related account. |
|---|---|

VOUCHER AND PAYROLL SECTION

Payrolling and Pay Administration Records
(Disposal permitted by GRS #2)

Any record created prior to January 1, 1921, must be offered to
the National Archives and Records Service before applying
these disposition instructions.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

1. Individual Accounts Files.

Individual earning reports.

Transfer to the
National Personnel Records
Center (NPRC), St. Louis,
Missouri. Destroy 56 years
after the date of the last entry.

4. Individual Authorized Allotments

Files. U.S. Savings Bond
authorizations; Standard Form 1192
or equivalent; savings authorizations
and authorization for individual
allotment to Combined Federal
Campaigns.

Destroy 3 years after
separation of employee.

6. Bond Receipt and Transmittal Files.

Receipts for and transmittals of
U.S. Savings Bonds and checks.

Destroy 3 months after date
of receipt. (Request will be
submitted to NARS to extend
retention to 3 years.)

7. Bond Purchase Files.

Forms and reports with related
papers pertaining to deposits
and purchases of bonds.

Destroy when 3 years
old.

10. Records of Leave Data
Transferred.

Agency Copy.

(Original SF 1150 filed
permanently in the Official
Personnel Folder)

Destroy when 3 years old.

11. Notification of Personnel Action Files.

Copies of SF 50 (3-634), not
filed in the Official Personnel
Folder.

a. Pay or fiscal copy.

Destroy when related pay
records are audited by GAO
or when 3 years old, whichever
is sooner. (Request will
be submitted to NARS to extend
retention to "3 years after
transfer or separation of
employee".)

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

12. Budget Authorization Reference Files.

Copies of budget authorizations in operating payroll units used to control personnel ceilings and personnel actions. Destroy when superseded.

13. Payroll files.

Memorandum copies of payrolls, check lists, and related certification sheets, such as SF 1013, SF 1128A, or equivalents.

a. Security copies of documents prepared or used for disbursement by Treasury disbursing offices, with relating papers. Destroy when Federal Records Center receives second subsequent payroll or checklist covering the same payroll unit.

b. All other copies.

(1) If earning record card is maintained. Destroy after GAO audit or when 3 years old, whichever is earlier.

(2) If earning record card is not maintained. Transfer to NPRC, St. Louis, Missouri, when 3 years old. Destroy when 10 years old.

15. Payroll Change Files.

Payroll change slips, exclusive of those of the OPF, such as SF 1126.

a. Copy used in GAO audit. Destroy when related pay records are audited by GAO or when 3 years old, whichever is sooner.

17. Administrative Payroll Report Files.

Reports, statistics, with supporting and related records pertaining to payroll operations and pay administration.

a. Reports and data used for workload and personnel management purposes. (Miscellaneous Reports.) Destroy when 2 years old.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

18. Tax Files.

- | | |
|--|---|
| a. Withholding tax exemption certificates, such as IRS Form W-4, and similar state tax exemption forms. | Destroy 4 years after form is superseded or obsolete. |
| b. Returns on income taxes such as IRS Form W-2. | Destroy when 4 years old. |
| c. Reports of withheld Federal taxes, such as IRS Form W-3, with related papers, including reports relating to income and social security taxes. | Destroy when 4 years old. |

21. Retirement Files.

- | | |
|---|---|
| a. Reports and registers.

Reports, registers or other control documents, and other records relating to retirement, such as SF 2807 or equivalent. | Destroy when 3 years old.
(Request will be submitted to NARS to extend retention to "3 years after transfer or separation of employee.") |
| b. Assistance Files.

Correspondence, memoranda, estimates, and other records used to assist retiring employees or survivors claim insurance or retirement benefits. | Destroy when 1 year old.
(Request will be submitted to NARS to extend retention to 3 years.) |
| c. Deduction files.

SF 2806 or equivalent and other records used to document retirement deductions of individual employees. (Maintained in Official Personnel Folder as permanent record.) | |

22. Insurance Deduction Files.

- | | |
|---|---------------------------|
| Reports and related papers including copies of vouchers and schedules of payments pertaining to insurance deductions. | Destroy when 3 years old. |
|---|---------------------------|

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

23. Levy and Garnishment Files.

Official Notice of Levy or
Garnishment (IRS Form 668A or
equivalent), change slip, work-
papers, correspondence, release
and other forms, and other records
relating to charge against retire-
ment funds or attachment of salary
for payment of back income taxes
or other debts of Federal employees.

Destroy when 3 years old.

24. Wage Survey Files.

Wage survey reports and data,
working papers and related
correspondence pertaining to
area wages paid for each employee
class; background papers establishing
need, authorization, direction,
and analysis of wage surveys;
development and implementation of
wage schedules; and request for
and authorization of specific rates
(excluding authorized wage schedules
and wage survey recapitulation sheets).

Destroy after completion of
second succeeding wage survey.

Travel and Transportation Records
(Disposal permitted by GRS #9)

This schedule covers records pertaining to the movement of
goods and persons under Government orders. The record keeping
involved in the movements centers around bills of lading,
transportation requests, vouchers, and associated records,
including those prescribed by Title 5 of the General Accounting
Office Policy and Procedures Manual.

3. Passenger Transportation Files.

Memorandum copies of vouchers (SF
1113A), memorandum copies of
transportation requests (SF 1169),
travel authorizations, transportation
request registers, and all supporting
papers.

a. Issuing office memorandum
copy.

Destroy when 3 years
old.

b. Obligation copy.

Destroy when funds are
obligated.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- c. Unused ticket redemption forms, such as SF 1170.

Destroy when no longer needed for administrative use.

4. Passenger Reimbursement Files.

Records relating to reimbursing individuals, such as travel orders, per diem vouchers, transportation requests, hotel reservations, and all supporting papers documenting official travel by officers, employees, dependents, or others authorized by law to travel.

- a. Travel administrative office files.

Destroy when 3 years old.

- b. Obligation copies.

Destroy when funds are obligated.

5. General Travel and Transportation Files.

- a. Correspondence, forms and related records pertaining to agency travel and transportation functions, not covered elsewhere in this schedule.

Destroy when 2 years old.

- b. Accountability records.

Destroy 1 year after all entries are cleared.

Accountable Officers' Accounts Records
(Disposal permitted by GRS #6)

Any records created prior to January 1, 1921, must be offered to the National Archives and Records Service before applying these disposition instructions.

1. Accountable Officers' Files.

- a. Original ribbon copy of accountable officers' accounts maintained in the agency for site audit by GAO auditors, consisting of statements of transactions, statements of accountability, collection schedules, collection vouchers, disbursement schedules, dis-

- (1) Records created prior to Fiscal Year 1976 (July 1, 1975): Destroy 10 years, 3 months, after period covered by account.
(2) Records created after Fiscal Year 1975 (June 30, 1975): Destroy 6 years, 3

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

bursement vouchers, and all other schedules and vouchers or documents used as schedules or vouchers, exclusive of freight records and payroll records. If an agency is operating under an integrated accounting system approved by GAO, certain required documents, supporting vouchers, and/or schedules are included in the site audit records. These records document only the basic financial transaction, money received and money paid out or deposited, in the course of operation of the agency. All copies except the certified payment or collection copy, usually the original or ribbon copy, and all additional or supporting documentation not involved in an integrated system are covered by succeeding items in this schedule.

months, after period covered by account.

- b. Memorandum or extra copies of accountable officers' returns including statements of transactions and accountability, all supporting vouchers, schedules, and related papers not covered elsewhere in this schedule, and excluding freight records covered by Schedule 9 and payroll records covered by Schedule 2. Destroy 3 years after the period of the account.

2. GAO Exceptions Files.

General Accounting Office notices of exceptions, such as Standard Form 1100, formal or informal, and related correspondence.

Destroy 1 year after exception has been reported as cleared by GAO.

3. Certificates Settlement Files.

Copies of certificates of settlement of accounts of accountable officers, statements of differences, and related records.

- a. Certificates covering closed account settlements, supplemental settlements, and final balance settlements.

Destroy 2 years after date of settlement.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- b. Certificates covering periodic settlements. Destroy when subsequent certificate of settlement is received.
4. General Fund Files.
Records relating to availability, collection, custody and deposit of funds including appropriation warrants and certificates of deposit (SF 201, 209, and 219), other than those records covered by Item 1 of this schedule. Destroy when 3 years old.
5. Accounting Administrative Files.
Correspondence, reports and data relating to voucher preparation, administrative audit, and other accounting and disbursing operations.
- a. Files used for workload and personnel management purposes. Destroy when 2 years old.
- b. All other files. Destroy when 3 years old.
6. Federal Personnel Surety Bond Files.
- a. Official copies of the bond and attached powers of attorney.
- (1) Bonds purchased prior to January 1, 1956. Destroy 15 years after bond becomes inactive.
- (2) Bonds purchased after December 31, 1955. Destroy 15 years after the end of the bond premium period.
- b. Other bond files, including other copies of bonds and related papers. Destroy when bond becomes inactive or after the end of the bond premium period.
7. Gasoline Sales Tickets.
Hard copies of sales tickets filed in support of paid invoices for credit card purchases of gasoline. Destroy after GAO audit or when 3 years old, whichever is sooner.
8. Telephone Toll Tickets.
Originals and copies of toll tickets filed in support of telephone toll call payments. Destroy after GAO audit or when 3 years old, whichever is sooner.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

9. Telegrams.

Originals and copies of telegrams
filed in support of telegraph
bills.

Destroy after GAO audit
or when 3 years old,
whichever is sooner.

Expenditure Accounting Records
(Disposal permitted by GRS #7)

Any records created prior to January 1, 1921, must be offered
to the National Archives and Records Service before applying
these disposition instructions.

1. Expenditures Accounting General
Correspondence and Subject Files.

Correspondence or subject files
maintained by operating units
responsible for expenditures
accounting, pertaining to their
internal operations and admin-
istration.

Destroy when 2 years old.

2. General Accounting Ledgers.

General accounts ledgers, showing
debit and credit entries, and re-
flecting expenditures in summary.

Destroy 10 years after the
close of the fiscal year
involved.

3. Appropriation Allotment Files.

Allotment records showing status
of obligations and allotments
under each authorized appro-
priation.

Destroy 10 years after the
close of the fiscal year
involved.

4. Expenditure Accounting Posting
and Control Files.

Records used as posting and control
media, subsidiary to the general
and allotment ledgers, and not
elsewhere covered in this schedule.

a. Original records.

Destroy when 3 years old.

b. Copies

Destroy when 2 years old.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

Property Disposal Records
(Disposal permitted by GRS #4)

1. Surplus Property Precedential Case Files.

Case files on sales of surplus personal property (as described in item 6 below) documenting the initiation and development of transactions that deviate from established precedents with respect to general agency disposal or to major disposal programs.

Submit SF 115, Request for Records Disposition Authority.

2. Property Disposal Case Files.

Case files on disposal of surplus real and related personal property.

Submit SF 115, Request for Records Disposition Authority.

3. Excess Real Property Reports.

Submit SF 115, Request for Records Disposition Authority.

4. Property Disposal Correspondence Files.

Correspondence files maintained by units responsible for property disposal, pertaining to their operation and administration, and not otherwise provided for.

Destroy when 2 years old.

5. Excess Personal Property Reports.

Destroy when 3 years old.

6. Surplus Property Case Files.

Case files on sales of surplus personal property, comprising invitations, bids, acceptances, lists of materials, evidence of sales, and related correspondence (other than those covered in items 1 and 2).

- a. Transactions subsequent to July 25, 1974, of more than \$10,000; and transactions prior to July 26, 1974, of more than \$2,500.

Destroy 6 years after final payment. (Place in inactive file on final payment and transfer to Federal Records Center 2 years thereafter.)

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- b. Transactions subsequent to July 25, 1974, of \$10,000 or less; and transactions prior to July 26, 1974, of \$2,500 or less.

Destroy 3 years after final payment. (Close file at the end of each fiscal year, retain 3 years, and destroy except that files on which actions are pending will be brought to the next fiscal year's files for disposal therewith.)

7. Real Property Files.

Records necessary or convenient for the use of real property sold, donated, or traded to non-Federal ownership, including, if pertinent as determined by the releasing agency, site maps and surveys, plot plans, architect's sketches, working diagrams, preliminary drawings, blueprints, master tracings, utility outlet plans, equipment location plans, specifications, construction progress photographs, inspection reports, building and equipment management and maintenance records, allowance lists as well as duplicate copies of title papers, provided (a) that the records can be segregated without harm to other documents of enduring value, (b) that no responsibility attaches to the Government because of disagreement between the transferred documents and the physical condition of the property at the time of conveyance, and (c) that if the property is released for historical use or purpose the user agrees to retain them and return them to the Federal Government immediately upon the discontinuance of its use for historical purposes.

Transfer to new custodian upon completion of sale, trade, or donation proceedings, or acceptance of purchase money mortgage. (Also, see GRS 22, Design and Construction Records.)

Stores, Plant, and Cost Accounting Records
(Disposal permitted by GRS #8)

Any records created prior to January 1, 1921, must be offered to the National Archives and Records Service before applying these disposition instructions.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

1. Plant Accounting Files.

Plant account cards and ledgers
pertaining to structures.

Submit SF 115, Request
for Records Disposition
Authority.

2. Plant, Cost and Stores General
Correspondence Files.

Correspondence files of units
responsible for plant, cost
and stores accounting
operations.

Destroy when 3 years old.

3. Stores Invoice Files.

Invoices or equivalent papers used
for stores accounting purposes.

Destroy when 3 years old.

4. Stores Accounting Files.

Stores accounting returns and
reports.

Destroy when 3 years old.

5. Stores Accounting Work Papers.

Work papers used in accumulating
stores accounting data.

Destroy when 2 years old.

6. Plant Accounting Files.

Plant account cards and ledgers,
other than those described in
item 1.

Destroy 3 years after
item is withdrawn from
plant account.

7. Cost Accounting Reports.

a. Copies in units receiving
reports.

Destroy when 3 years old.

b. Copies in reporting units,
and related work papers.

Destroy when 3 years old.

8. Cost Report Data Files.

Ledgers, forms, and machine-
records used to accumulate data
for use in cost reports.

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

- | | |
|-----------------------|----------------------------|
| a. Ledgers and forms. | Destroy when 3 years old. |
| b. Machine-records. | |
| (1) Detail cards. | Destroy when 6 months old. |
| (2) Summary cards. | Destroy when 6 months old. |
| (3) Tabulations. | Destroy when 1 year old. |

RESTRICTED FROM DESTRUCTION - ALL DIVISIONS

RECORDS OF THE CENTRAL RECORDS SYSTEM

All records filed in classifications 1 - 212 are subject to review by NARS, are restricted by court order, and should not be destroyed. (Exceptions: Files related to Privacy Act requests and records of the Official Personnel Folder)

BUDGET PREPARATION, PRESENTATION AND APPORTIONMENT RECORDS

This record category includes budget policy files; budget estimates and justification files; budget correspondence files; budget background records; budget reports files; and budget apportionment files. The records continue to be restricted by court order (GRS #5) and should not be destroyed.

INFORMATIONAL SERVICES RECORDS

This record category consists of routine inquiries, replies and related correspondence with the public; records created in administering the Freedom of Information and Privacy Acts Programs; and formal informational releases and publications, such as press releases, press conference transcripts, official speeches and indexes thereto. The records continue to be restricted by court order (GRS #14) and should not be destroyed.

ADMINISTRATIVE MANAGEMENT RECORDS

This category includes official directives, forms, records management files and committee, conference and organizational records. The records continue to be restricted by court order (GRS #16) and should not be destroyed.

SECURITY AND PROTECTIVE SERVICE RECORDS

This category of records includes classified document receipts relating to the receipt and dispatch of classified documents;

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS-
PARTIAL RESUMPTION OF RECORD
DESTRUCTION PROGRAMS

emergency planning records; and records relating to facilities security, including guard functions, lost or stolen property and key accountability. The records continue to be restricted by court order (GRS #18) and should not be destroyed.

RESEARCH AND DEVELOPMENT RECORDS

This category of records continues to be restricted by court order (GRS #19) and records should not be destroyed.

MACHINE-READABLE RECORDS

This category of records continues to be restricted by court order (GRS #20) and records should not be destroyed.

AUDIO-VISUAL RECORDS

This category of records continues to be restricted by court order (GRS #21) and records should not be destroyed.

ATTENTION

The following documents appearing in FBI files have been reviewed under the provisions of The Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552); Privacy Act of 1974 (PA) (Title 5, United States Code, Section 552a); and/or Litigation.

☐ FOIA/PA☐ Litigation☐ Executive Order Applied

Requester: _____

Subject: _____

Computer or Case Identification Number: _____

Title of Case: _____ Section _____

* File _____

Serials Reviewed: _____

Release Location: *File _____ Section _____

This file section has been scanned into the FOIPA Document Processing System (FDPS) prior to National Security Classification review. Please see the documents located in the FDPS for current classification action, if warranted. Direct inquiries about the FDPS to RIDS Service Request Unit, 202-324-

File Number: 66-HQ-3286 Section 30Serial(s) Reviewed: ALL b2 _____

FOIPA Requester: _____

FOIPA Subject: _____

FOIPA Computer Number: 1009410

File Number: _____ Section _____

Serial(s) Reviewed: _____

FOIPA Requester: _____

FOIPA Subject: _____

FOIPA Computer Number: _____

File Number: _____ Section _____

Serial(s) Reviewed: _____

FOIPA Requester: _____

FOIPA Subject: _____

FOIPA Computer Number: _____

THIS FORM IS TO BE MAINTAINED AS THE TOP SERIAL OF THE FILE, BUT NOT SERIALIZED.

ATTENTION**DO NOT REMOVE FROM FILE**

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

DATE: 11/7/80 b6
b7C

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

TO : Mr. Colwell
FROM : P. Finzel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-24-82 BY SP4 E24/0

SUBJECT: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

PURPOSE:

Destruction of Bureau Property
The purposes of this memorandum are to issue an appropriate Memorandum to All Special Agents in Charge to advise of a change in records destruction policy based on modified orders issued by Judge Harold H. Greene, U.S. District Court, District of Columbia (U.S.D.C., D.C.), on 2/20/80 and 4/3/80, which will permit field offices and Legats to implement a limited destruction program for administrative records and to recommend revisions in the MAOP to coincide with this action.

RECOMMENDATION:

That, upon approval of manual changes and SAC Memorandum, instant memorandum be referred to the Manuals Desk, Administrative Services Division (ASD), for appropriate action.

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *Classified*
DATE *1/7/83*

APPROVED:

Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Adm. Serv. _____
Crim. Inv. _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____

DETAILS:

REASON FOR CHANGE

It is necessary to change Bureau policy regarding the destruction of certain administrative records.

Bureau teletypes, 1/11 and 14/80, advised FBIHQ and all offices to immediately suspend all destruction programs based on the preliminary injunction issued by Judge Harold H. Greene, U.S.D.C., D.C., on 1/10/80

Enclosure - *detached handled separately*

- 66-3286-1361*
- 1 - 66-19198 (Manual of Administrative Operations and Procedures)
 - 1 - 66-3286 Sub B (Destruction of Field Files and Records)
 - 1 - Manuals Desk
 - 1 - Mr. Mintz (Attn: _____)
 - 1 - Mr. Finzel (Admin.)
 - 1 - Mr. Scherrer
 - 1 - _____ (RMD Control Folder)

59 FEB 12 1981

CMG:TBD:efc (9)

~~CONFIDENTIAL~~

Classified by *SP-4 elu/abw*
Declassify on: OADR
1/4/83

23 NOV 29 1980

Unrecorded Copy Filed In

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

~~CONFIDENTIAL~~

in civil action, "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action No. 79-1655." On 2/20/80 and 4/3/80, modified orders were issued by Judge Greene which would permit destruction of certain administrative records. Legal Counsel memorandum to the Director, dated 8/15/80, authorized the Records Management Division to proceed with destruction of these records since the plaintiffs' appeal time for the modifications had expired. Accordingly, Headquarters Divisions were delegated authority to initiate limited destruction programs, based on the General Records Schedules (GRS) and individual affidavits, by memoranda dated 9/12/80, which were subsequently approved.

A review of administrative records maintained by field offices has been completed and records identified as being within the scope of the modified orders are being enumerated within authorized and defined retention periods as a guide for field office destruction programs. Retention periods have been amended in certain instances to comply with authorized retention periods as set forth in the GRS. Destruction of substantive file material in response to Privacy Act requests has not been addressed inasmuch as this matter was handled separately by Airtel to all SACs, dated 10/29/80.

Field offices are being advised that, due to the limitations of the destruction authority, pertinent sections of the MAOP cannot be completely revised and, therefore, the attached SAC Memorandum and BUairtel, 5/30/80, captioned "Destruction of Field Files and Records", regarding the disposition of physical evidence, will serve as the only guides to authorized record destruction programs. Manual revisions, although fragmentary, are being recommended for records coming within the scope of the modified orders to preserve the integrity of the Manual. Additional revisions to Section 2-4.5 of the MAOP will be required upon resolution of pending litigation.

b6
b7C

Appropriate contact was made with [REDACTED]
Manuals Desk, ASD, on 10/28/80.

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

CHANGED TEXT

MAOP, Part I, Section 9-12(1), page 118, should be revised as follows:

(1) Time and Attendance Registers (FD-420), Registers No. 1 (FD-31), Registers No. 2 (FD-48), and Registers No. 3 (FD-256) are to be retained three years. These records should be destroyed on an annual basis when three years old.

MAOP, Part II, Section 2-4.5.6(3), page 304, should be deleted.

MAOP, Part II, Section 2-4.5.9, page 307, through Section 2-4.5.18, page 314, should be deleted and replaced with the following:

2-4.5.9 Noninvestigative Files and Records to be Destroyed If More Than Six Years, Three Months, Old, If Certain Conditions Are Met

Field Support Account - Including cancelled checks, bank statements, check stubs, and bank passbooks. Destroy six years, three months, after period covered by account for records created after Fiscal Year 1975 (June 30, 1975).
NOTE: Records created prior to Fiscal Year 1976 (July 1, 1975) must be retained for ten years, three months, after period covered by account.

2-4.5.10 Files and Records to be Destroyed If More Than Six Years Old, If Certain Conditions Are Met

(1) Automobiles - Accidents - Destroy six years after case is closed. Retain if loss of life, personal injury to third party, or possible suits involved.

(2) Health Record Cards - Cards containing dates of employees visits, diagnosis, and treatment. Destroy six years after date of last entry on card.

CONFIDENTIAL

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

2-4.5.11 Files and Records to be Destroyed If More Than
Four Years Old, If Certain Conditions Are Met

Automobiles - After vehicle leaves custody by
Sale, Transfer, Donation, or Exchange.

2-4.5.12 Files and Records to be Destroyed If More Than
Three Years Old, If Certain Conditions Are Met

- (1) Time and Attendance Registers, FD-420 (See Part I, 9-12.)
- (2) Registers No. 1, FD-31 (See Part I, 9-12.)
- (3) Registers No. 2, FD-48 (See Part I, 9-12.)
- (4) Registers No. 3, FD-256 (See Part I, 9-12.)
- (5) All Leave Accounting Listings (See Part I, 9-12.)
- (6) Leave Requests, FD-282 (See Part I, 9-12.)
- (7) Record of Absences for Illness, FD-304
(See Part I, 9-12.)
- (8) Doctor's Certificates (See Part I, 9-12.)
- (9) Application for Leave, SF-71 (See Part I, 9-12.)
- (10) Correspondence relating to position classification
appeals. Destroy three years after resolution.
- (11) Correspondence relating to employee appeals
of performance ratings. Destroy three years
after resolution.
- (12) Tax Exemption Files - Tax exemption certificates
and related papers. Security Informants
Income Tax Account Banking records. Destroy
three years after period covered by related
account.

CONFIDENTIAL

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

- (13) Telephone Toll Statements, invoices, and toll slips
- (14) Report of Excess Personal Property, SF-120
- (15) Correspondence, reports, and data relating to voucher preparation
- (16) Imprest Fund
- (17) Charity campaigns
- (18) Bills of lading
- (19) Government Transportation Requests and related correspondence
- (20) Household Goods - Transportation
- (21) Correspondence relating to reimbursing individuals, such as travel orders, per diem vouchers, transportation requests, hotel reservations, and all supporting papers documenting official travel by officers, employees, dependents, or others authorized by law to travel.
- (22) Lost or damaged shipment files - Schedules of valuables shipped and related correspondence
- (23) Recap of Cost of Operation and Accrued Milage of Bureau-owned Motor Vehicles, FD-150
- (24) Radio Equipment Maintenance Log, FD-341. Retain for three years after completion.
- (25) Postal Irregularities - Correspondence relating to irregularities in the handling of mail, such as loss or shortage of postage stamps or money orders or loss or destruction of mail. Destroy three years after investigation completed.
- (26) Printing and duplicating - Files and correspondence pertaining to planning and other technical matters relating to the printing and duplicating function.

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

~~CONFIDENTIAL~~

- (27) Telecommunications general files, including plans, reports, and other records pertaining to equipment requests, telephone service and similar matters.
- (28) Speech material - except one copy of speech material of continuing interest.
- (29) Quarterly and/or semiannual reports of the national organization of the Communist Party USA, furnished all offices by New York. If desired, individual offices may maintain for historical value. New York will retain ~~(X)~~
- (30) Copies of annual letters submitted on informants maintained in control file.
- (31) Firearms
- (32) Inspections (For destruction of work papers, see Part II, 2-4.5.13(7).)
- (33) Office Personnel File (SAC is to review prior to destruction and specify documents to be retained longer than three years.)
- (34) SAC Letters and SAC Memorandums (See Part II, 2-4.2.1 (3).)
- (35) Surveillances
- (36) Technical Equipment
- (37) Technical Plants
- (38) FBI Domestic Terrorist Digest
- (39) Record of positive contacts with sources of Bureau cases under the liaison program.

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

- (40) Monthly Administrative Reports
- (41) Copies of correspondence maintained in administrative control file concerning non-tax criminal information requested and obtained from the Internal Revenue Service (IRS). See MIOG, Volume III, Part II, Section 19.

2-4.5.13 Files and Records to be Destroyed When Two Years Old or After Office Inspection, Whichever Is Later

- (1) Daily Reports, FD-28
- (2) Record of Agents' individual accomplishments (SAC may retain FD-324 longer, if needed, as an aide in the overall evaluation of Agents' performance).
- (3) Copies of correspondence requesting record checks of Baltimore Source 4 and Passport Office, Department of State, maintained in control file.
- (4) Copies of quarterly progress letters submitted concerning informants (FD-374) and data maintained in control file to compile these letters.
- (5) Copies of semiannual inventory of property acquired during investigations, FD-192.
- (6) Indexing Lists for the FBI Law Enforcement Bulletin
- (7) Inspection work papers (yellows) covering prior inspection provided inspection just completed was full inspection and not a recheck. If longer retention deemed essential, appropriate notation to be made. (See Part II, 2-4.5.12(32).)

CONFIDENTIAL

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

~~CONFIDENTIAL~~

- (8) Copies of the Statistics Letter (FD-515) maintained in the control file.

2-4.5.14 Records to be Destroyed After Close of Fiscal Year In Which Inspection Was Conducted

Log of toll calls, FD-296

2-4.5.15 Files and Records to be Destroyed When Two Years Old, If Certain Conditions are Met

- (1) Applications for employment and related records in the 67 classification. Destroy after two years if appointment did not result and background investigation was not conducted.
- (2) Supply Management Files - Correspondence relating to supply requirements and procurement matters submitted for supply management purposes. Destroy when two years old.
- (3) Ammunition - Destroy two years after completion or cancellation of requisition.
- (4) Inventory lists, cards, and requisitions. Destroy two years after final action.
- (5) Property Disposal Correspondence Files - Correspondence maintained by units responsible for property disposal, pertaining to their operation and administration.
- (6) Space files and related correspondence pertaining to the allocation, use, and release of space under agency control. Destroy two years after termination of assignment, when lease is cancelled, or when plans are superseded or obsolete.
- (7) Files and correspondence relating to the administration, operation, and execution of the copying, duplicating, and printing functions.

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

~~CONFIDENTIAL~~

- (8) Procurement matters - Original correspondence files concerning internal operation and administration not forwarded to FBIHQ.

2-4.5.16 Files and Records to be Destroyed When One Year Old, If Certain Conditions are Met

- (1) Monthly Automotive Inspection Report, FD-212
- (2) Copies of correspondence forwarded to Office of Personnel Management relating to performance rating board reviews. Destroy one year after case is resolved (for files created prior to the Civil Service Reform Act of 1978).
- (3) Notice of Tardiness, FD-120. Destroy when one year old at the end of the calendar year.
- (4) Photographic-Photocopy Log, FD-234. Destroy when one year old at the close of fiscal year.
- (5) Noninvestigative files and material of no continuing value in the following classifications:

Classification 1 - Training Matters only
Classification 32 - Identification (Fingerprint Matters)

Classification 33 - Uniform Crime Reporting
Classification 62 - Miscellaneous Matters only

Classification 64 - Foreign Miscellaneous

Classification 66 - Administrative Matters

Classification 80 - Public Affairs Matters (At FBIHQ, Laboratory Research Matters)

Classification 94 - Research and Correspondence

Classification 95 - Laboratory cases, other than Bureau

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

- (6) Channelizing memoranda - copies of domestic security informants' statements designated for the 100 and 157 classification case files of informants. (See Part II, 2-4.5.23.) A memorandum must be prepared and placed in the file listing each item destroyed and the location of the original information. Use form FD-388a for this purpose. Employee destroying the channelizing memoranda must place date of destruction and his/her initials on the destruction memorandum. Thereafter, this memorandum will be filed in the case file as a permanent record of the serials destroyed.
- (7) Forms
- (8) Gun Vault Charge-Out Records, FD-79
- (9) Bank robbery, bank burglary, and bank larceny summaries
- (10) Theft from Interstate Shipment and Interstate Transportation of Stolen Property summaries

2-4.5.17 Files and Records to be Destroyed When One Year Old on an Annual Basis

- (1) Field Personnel Files - Destroy superseded documents. Forward file to FBIHQ 90 days after separation or retirement of employee for final disposition.
- (2) Office Personnel File - Destroy obsolete temporary documents relating to Bureau personnel only. (See Part II, 2-4.5.12(33), for disposition of remaining documents).
- (3) Firearms Score Card, FD-39

CONFIDENTIAL

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

- (4) In the absence of specific instructions to the contrary, material in any administrative file not listed for destruction in this Manual may be destroyed when one year old on an annual basis if of no value, except for the following administrative files which must be retained:
- (a) Arraignment
 - (b) Arrests
 - (c) Interviews including confessions and signed statements
 - (d) Searches and seizures
 - (e) In destroying this material, carefully examine SAC memoranda to ensure that instructions which are still applicable and which will be of future value are retained as provided in Part II, 2-4.2.1 (3) of this Manual.

2-4.5.18 Files and Records to be Destroyed When One Year Old on a Monthly Basis

- (1) Postal Records and mail and delivery service control files - Including Record of Registered Mail, FD-211; U.S. Postal Service Forms 3877 (Outgoing registered mail) and 3883 (Incoming registered mail); records relating to certified, insured, and special delivery mail, including receipts and return receipts; application for postal registration and certificates

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

of declared value of matter subject to postal surcharge; reports of loss, rifling, delay, and other improper treatment of mail matter; records of receipt and routing of incoming and outgoing mail and items handled by private delivery companies; statistical reports on mail handled and work performed; records relating to checks, cash, stamps, money orders, or other valuables remitted by mail; and correspondence relating to the administration of the mail room operation.

- (2) Except New York and Washington Field Offices: Copies of INS form I-94 or equivalent form used locally to furnish information from the I-94 to FBIHQ which pertain to individuals within the provisions of the Manual of Investigative Operations and Guidelines, and which are retained in control files only and the index cards relating thereto.

2-4.5.19 Files and Records to be Destroyed When Six Months Old, If Certain Conditions are Met

- (1) Daily Report of Support Services Supervisors, FD-127
- (2) Field Stenographer's and Typist's Daily Report, FD-76
- (3) CW Radio Log, FD-279
- (4) Telecommunications message registers, logs, performance reports, daily load reports, and related and similar records.
- (5) Report of stamps used, FD-161, and requisitions for stamps (exclusive of copies used as supporting documents to payment vouchers).

CONFIDENTIAL

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

2-4.5.20 Files and Records to be Destroyed When Four Months
Old

In auxiliary offices, investigative leads requesting only records checks, when results are negative or of no continuing value.

2-4.5.21 Files and Records to be Destroyed When Three Months
Old, If Certain Conditions Are Met

- (1) Transmittal letters - checks and bonds
- (2) Automobile Record Form, FD-73
- (3) FM Radio Station Log, FD-283
- (4) Gasoline sales tickets (tissue copy)
- (5) Duplicate property card of separated employees, FD-107
- (6) Identification credentials, including cards, badges, parking permits, photographs, agency permits to operate motor vehicles; property, dining room, and visitors passes; and other identification credentials. Destroy three months after return.
- (7) Building and Equipment Service Files - Request for building and equipment maintenance services, excluding fiscal copies. Destroy three months after work performed or requisition cancelled.
- (8) Carbon copy of printout produced by NCIC terminal (Retain previous two months plus current month.)
- (9) Visiting employees

2-4.5.22 Files and Records to be Destroyed When Two Months
Old, If Certain Conditions Are Met

- (1) Messenger Service Files - Daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and similar records related to the messenger function.

CONFIDENTIAL

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

- (2) Telecommunications - Copies of incoming and outgoing messages retained in the message center.

2-4.5.23 Files and Records to be Destroyed When Purpose Has Been Served

- (1) Acknowledgement of Transfer Orders, FD-67
- (2) Itinerary, FD-330
- (3) Circulars, flyers related to charity campaigns, recreational matters, open season for health benefits, blood donor program.
- (4) Copies of SF-50 (3-634) documenting individual personnel actions.
- (5) Credentials - Papers related to identification credentials, including receipts, indices, listings, and accountable records. Destroy when all listed credentials are accounted for.
- (6) Telecommunications - Tapes of outgoing messages. Destroy after transmission.
- (7) Channelizing memoranda in criminal cases and security cases must be destroyed following submission of reports or following submission of LHM in nonprosecutable espionage and nationalistic tendency cases. In addition, in domestic security matters, channelizing memoranda may be destroyed following preparation of an "investigative insert" for later inclusion in an LHM or report.
- (8) Channelizing memoranda in security cases must be destroyed when the contents have not been included in a report or LHM because the information is of no value to the report or LHM. In destroying these memoranda, be guided by the following instructions:
 - (a) The Agent, at the time he/she dictates the report or the LHM in nonprosecutable espionage and nationalistic tendency cases, is to prepare a memorandum (form

CONFIDENTIAL

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

~~CONFIDENTIAL~~

FD-338) listing the channelizing memoranda to be destroyed by serial or serial scope and requesting Support Services Supervisor to destroy. List channelizing memoranda to be destroyed because they are of no value to the report or LHM by file and serial number. This memorandum should indicate that pertinent information contained in the serials to be destroyed was incorporated in the report or the LHM, or in security cases was not included because the information was of no value to the report or LHM.

- (b) The cover pages accompanying the report or the cover document accompanying the LHM will list the file and serial number of the original informant reports or master channelizing memoranda [except in cases concerning reports or LHM prepared by Legal Attaches since Legat sources are not usually available for testimony.] *EX u*
- (c) In the case of multiple volumes, the destruction memorandum should be prepared by the Agent in sufficient numbers so that one copy will appear in each volume of the multiple volume file being stripped.
- (d) Prior to destruction, the Agent's recommendations are to be reviewed and approved by the supervisor at the time he/she reviews and approves the report or the LHM.
- (e) Employee destroying the channelizing memoranda must place date of destruction and his/her initials on the destruction memorandum. Thereafter, this memorandum will be filed in the case as a permanent record of the serials destroyed.

~~CONFIDENTIAL~~

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

- (f) Channelizing memoranda based on confidential investigative techniques may be destroyed after submission of LHM or report. The cover pages of the report or the cover document of the LHM must record the exact location in the office files of the original information.
- (g) Channelizing memoranda of translations of foreign language newspapers and periodicals may be destroyed provided the original translation is maintained in the main file of the publication concerned.
- (h) Channelizing memoranda from other offices may be destroyed provided the communication of transmittal and one copy of the channelizing memoranda are retained in your office. The cover pages to the report or the cover document to the LHM should list field office and the file number in which the original recording is located, as well as location in your files of the retained copy.
- (9) Do not destroy channelizing memoranda in the following instances: The original recording; serial one of a file regardless of its nature; serials containing indexing. It would appear that if indexing was necessary to channelizing memoranda, such indexing would only be done in the main case file as set forth in the title of the communication; serials showing "action" information: e.g., opening, closing, posting, or instructions given by a supervisor to an Agent concerning the case.
- (10) The destruction of these channelizing memoranda should be subject to close supervisory control to insure that all pertinent information contained in these memoranda is reported in the investigative report or the LHM.

CONFIDENTIAL

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

- (11) Correspondence received by coastal offices requesting affirmative action in connection with stop notices placed with INS maintained in administrative file (if no case file exists) when stop notices have been canceled or expired.
- (12) Correspondence from chronic letter writers which is nonspecific, frequently incoherent, and contains no data of interest to this Bureau or to other agencies. Prepare memorandum summarizing known background of each individual involved. Place memorandum, together with a typical letter from correspondent, in file and destroy remaining letters. Future irrelevant correspondence may be destroyed after notation showing receipt of material is placed on the memorandum in file which summarizes known background of the individual.
- (13) Teletype summaries or reproduced copies of teletype summaries on civil unrest sent to all field offices by FBIHQ.
- (14) Copies of communications concerning matters referred for prosecution to USAs maintained in subfiles which have been totaled and included in quarterly report to FBIHQ.

2-4.5.24 Files and Records to be Destroyed Upon Notification of Death

FBI National Academy graduates (office of origin).

2-4.5.25 Records to be Destroyed After Separation or Transfer of Employee

Employee record cards used for informational purposes.

2-4.5.26 Files and Records to be Destroyed When Abolished or Superseded

- (1) Copies of position descriptions and related correspondence

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

CONFIDENTIAL

- (2) Copies of official publications, charts, posters, directives, regulations, forms, press releases or similar material.

2-4.5.27 Files and Records to be Destroyed When Cancelled or Revised

Mailing lists - Correspondence, request forms, and other records relating to changes in mailing lists, card lists, and addressograph plates. Destroy when cancelled or revised, whichever is appropriate.

2-4.5.28 Files and Records to be Destroyed Upon Termination or Completion

- (1) Copies of routine procurement files, including contract, requisition, purchase order, lease, and bond and surety records. (Excluding original correspondence not forwarded to FBIHQ)
- (2) Copies of successful or unsuccessful bids.

SAC Memorandum

An SAC Memorandum has been prepared and is attached herewith.

CONFIDENTIAL

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exec AD Inv. ☒
Exec AD Adm. ☒
Exec AD LES ☒
Asst. Dir.:
Adm. Serv. ☒
Crim. Inv. ☒
Ident. ☒
Intell. ☒
Laboratory ☒
Legal Coun. ☒
Plan. & Insp. ☒
Rec. Mgnt. ☒
Tech. Serv. ☒
Training ☒
Public Affs. ☒
Telephone Rm. ☒
Director's Sec. ☒

TO : Mr. Colwell *1/28/81*

DATE 1/14/81

FROM : R *Finzel*

SUBJECT: INQUIRY BY CONGRESSMAN DON EDWARDS
REGARDING FBI RECORDS DESTRUCTION REGULATIONS

DESTRUCTION OF BUREAU RECORDS

PURPOSE:

To record details of contact by Congressman Don Edwards (D-Cal.) with Records Management Division Section Chief Robert W. Scherrer regarding current FBI records destruction regulations.

RECOMMENDATION:

For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-21-81 BY 6383 *127*

APPROVED:

Director *RW*

Exec. AD-Adm. *AM*

Exec. AD-Inv. *AM*

Exec. AD-LES

Adm. Serv. ☒

Crim. Inv. ☒

Ident. ☒

Intell. ☒

Laboratory ☒

Legal Coun. ☒

Plan. & Insp. ☒

Rec. Mgnt. ☒

Tech. Serv. ☒

Training ☒

Off. of Cong. & Public Affs. ☒

DETAILS:

During the morning of 1/14/81, Congressman Don Edwards, Chairman of the House Subcommittee on Civil and Constitutional Rights, contacted SA Emil Moschella, Office of Congressional and Public Affairs, in order to ascertain the identity of the FBI official knowledgeable regarding current FBI records destruction regulations. SA Moschella referred Congressman Edwards to SA Scherrer.

Subsequently, Congressman Edwards telephonically contacted SA Scherrer at FBIHQ on 1/14/81. Congressman Edwards explained that he desired information regarding current FBI records destruction regulations in order to answer a question presented to his Subcommittee by the "Los Angeles

66-3286

- 1 - Mr. Colwell
- 1 - Mr. O'Malley
- 1 - Mr. Young
- Attn: Mr. Moschella
- 1 - Mr. Finzel
- 1 -
- 1 - Mr. Scherrer

b6
b7C

b6
b7C

LSA
FEB 13 1981

RWS:evp (7)

CONTINUED OVER

Off. of Cong. & Public Affs.

RECORDS SYSTEM

FBI/DOJ

Memorandum R. P. Finzel to Mr. Colwell
INQUIRY BY CONGRESSMAN DON EDWARDS
REGARDING FBI RECORDS DESTRUCTION REGULATIONS

Times" regarding the destruction of COINTELPRO material contained in FBI records. Congressman Edwards advised that the "Los Angeles Times" apparently was preparing an article on the COINTELPRO and the fact that the FBI had not, as a matter of policy, destroyed COINTELPRO material contained in FBI files had surfaced. Congressman Edwards requested a brief summary of current FBI records destruction regulations. SA Scherrer pointed out to Congressman Edwards that, at present, all previously approved National Archives and Records Service (NARS) destruction of FBI investigative records has been suspended since 1/10/80, based on an Opinion and Order of U. S. District Judge Harold Greene on the same date. Additionally, SA Scherrer explained to Congressman Edwards that it would be necessary for NARS to conduct an extensive re-appraisal of FBI records holdings, both at FBIHQ and the field, in order to develop new retention schedules for submission to Judge Greene for his review and approval. SA Scherrer also called Congressman Edwards' attention to the fact that the vast majority of COINTELPRO material contained in FBI records is filed in security classifications and that no FBI records in these classifications had been destroyed since 1/16/78, based on a self-imposed FBI moratorium on destruction of such material due to the discovery proceedings in the Felt, Gray, Miller cases. SA Scherrer also explained to Congressman Edwards that, based on the Attorney General's instruction of 6/6/77, all FBI files and records related to pending litigation, Congressional interest or FOIPA requests have not been destroyed. In conclusion, SA Scherrer emphasized to Congressman Edwards that the FBI had not promulgated a policy of not destroying COINTELPRO material contained in our files.

Congressman Edwards expressed his appreciation for the information provided and indicated he would re-contact SA Scherrer through the Office of Congressional and Public Affairs should additional questions arise.

UNITED STATES GOVERNMENT

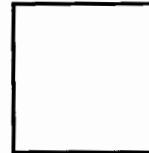
Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

TO : DIRECTOR, FBI

DATE: 2/2/81

FROM : SAC, SAN DIEGO (66-3286) Sub B



b6

b7C

SUBJECT: DESTRUCTION OF FIELD
FILES AND RECORDS

Re Bureau letter to all SACs, dated 5/30/80.

Title 18, USC, Section 2518, specifies that the contents of any wire on oral communications that were intercepted "shall not be destroyed except upon an order of the issuing judge or denying judge and in any event shall be kept for ten years." United States Attorney's Office, San Diego, advised that because of Judge Greene's preliminary injunction, no applications ordered destruction of Title III tapes should be made without authority of the Justice Department.

Because of the above, the Bureau is requested to contact Department and advise whether application for court ordered destruction of Title III tapes kept longer than ten years may be made.

- ② - Bureau
- 2 - San Diego

GML:cam
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EFW/gmk

dlw

66-3286-1363

3-20
22 FEB 1981

66 APR 8 1981

154
1 (2) 22
ELSER INDEX

RECORDED
INDEXED

4-1

Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir. _____
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgmt. _____
 Tech. Serv. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y _____

b6

b7C

To : Mr. Colwell *RC*

Date 4/17/81

From : R. P. Finzel *RP*

*Destruction of Bureau
 PROPERTY - General*

Subject : PROPOSED CHANGE IN MANUAL OF ADMINISTRATIVE OPERATIONS AND PROCEDURES (MAOP)

PURPOSE: To recommend that the MAOP be changed to accurately reflect retention/destruction period for Form FD-150 (Recap of Cost of Operation and Accrued Milage of Bureau-Owned Motor Vehicles), and FD-111 and FD-111a (Semiannual Motor Vehicle Report).

DETAILS:

REASON FOR CHANGE

By memorandum R. P. Finzel to Mr. Colwell 11/7/80 captioned as above, Part II, Section 2-4.5.12(23), page 309, was inadvertently changed to reflect that Form FD-150 (Recap of Cost of Operation and Accrued Milage of Bureau-Owned Motor Vehicle) is to be destroyed when three years old. Form FD-150 is used to recap cost of operation for individual vehicles and is retained in the individual car file. The retention period for car files is four years after vehicle leaves custody by sale, transfer, donation, or exchange; therefore, the above MAOP citation regarding the three year destruction of Form FD-150 is incorrect inasmuch as the form is an integral part of the car file and should be retained for the life of the file. Forms FD-111 and FD-111a (Semiannual Motor Vehicle Report) should have been identified as the forms to be destroyed when three years old. The FD-111 and FD-111a is prepared semiannually and the original forwarded to FBIHQ. The copy maintained in a control file in the field is of no value beyond the three year period and can be destroyed pursuant to general records schedule #10, item #3.

Required contact has been made with the Manual Desk, Administrative Services Division, for necessary coordination and assistance prior to the preparation of this memorandum.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 E2W/gmk

APR 27 1981

22 APR 22 1981

b6

b7C

66-19198 (MAOP)

1 - Mr. Colwell

1 - Mr. Mullen

1 - Mr. Otto

1 - Each Assistant Director

1 - Mr. Steel

1 - Mr. Scherrer

1 - (Division Manual Control Folder)

1 - Manuals Desk

MBD/adp

THREE

FBI/DOJ

Unrecorded Copy Filed 66-19198-1

Memorandum Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL OF ADMINISTRATIVE
OPERATIONS AND PROCEDURES

CHANGE TEXT

MAOP Part II, Section 2-4.5.12(23), page 309, delete and
replace with the following information:

"Semi-Annual Motor Vehicle Report, Form FD-111 and FD-111a."

SAC MEMORANDUM

An SAC Memorandum is not necessary since the aforementioned
change is routine in nature and can be communicated to the field and
Legats by regular monthly manual changes.

lsh
APPROVED: _____
Director *OR* _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. *RRS* _____
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____

JB

Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir.:
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Mr. Finzel *F/R*

Date 4/30/81

From : R. W. Scherrer *lur*

Subject: DESTRUCTION OF RECORDS *General*
 NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
 APPRAISAL OF FBIHQ AND FIELD RECORDS

PURPOSE:

To advise that on 4/29/81 the NARS Appraisal Group was furnished copies of certain documents from FBIHQ files in connection with their appraisal of FBIHQ and Field Office records.

RECOMMENDATION:

For information.

**ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 9-24-82 BY SP4 E2W/7 HK**

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____		Rec. Mgnt. <i>F/R</i>
Exec AD Adm. _____	Ident. _____	Tech. Servs. _____
Exec AD Inv. _____	Intell. _____	Training _____
Exec AD LES _____	Laboratory _____	Off. of Cong. & Public Affs. _____

DETAILS:

On 4/29/81 the NARS Appraisal Group was furnished Volumes 9 through 14 of Thomas H. Bresson Deposition, Civil Action #75-1121, entitled, "Michael Meeropol, aka Rosenberg, et al., Plaintiffs, v. Edward H. Levi, et al., Defendants", and copies of attached documents from FBIHQ files. Enclosed documents were reviewed by the Document Classification and Review Section, Records Management Division, for classification action prior to being furnished to the NARS group.

Enclosures

66-19249
 1 - Mr. Finzel
 1 - Mr. Scherrer

1 -

FBD/adp

53 MAY 8 1981

b6
 b7C

NOT RECORDED
 26 MAY 7 1981

15 MAY 1 1981

FBI/DOJ

66-19249-31

Original Filed In

Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir.: _____
 Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Serv. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Mr. Finzel *H/R*

Date 4/9/81

From : R. W. Scherrer *RS*

Subject : DESTRUCTION OF RECORDS *General*
 NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
 APPRAISAL OF FBIHQ AND FIELD RECORDS

PURPOSE:

To advise that certain FD and FBIHQ forms were furnished to the NARS Appraisal Staff for their assistance in reviewing FBIHQ and field files.

RECOMMENDATION: For information.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____	Rec. Mgnt. <i>H/R</i>	Tech. Serv. _____
Exec AD-Adm. _____	Ident. _____	Training _____
Exec AD-Inv. _____	Intell. _____	Off. of Cong. & Public Affs. _____
Exec AD-LES _____	Laboratory _____	

DETAILS:

In order to assist the NARS Appraisal Staff in their review of FBIHQ and field files, blank copies of the following FD and FBIHQ forms were provided to the NARS Appraisal Staff on 3/17/81:

FD-36	1-336
FD-65	
FD-204	7-72
FD-205	
FD-220	4-21
FD-263	4-22
FD-272	4-22a
FD-302	4-22b
FD-356	4-312
FD-430	4-674
FD-430a	4-679
FD-467	4-720
FD-515	
FD-517	
FD-532	

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EJS

66-19249

- 1 - Mr. Mintz (Attn:)
- 1 - Mr. Finzel
- 1 - Mr. Andrews

1 - *AX*

64 APR 27 1981
 RWS:evp (7)

CONTINUED-OVER

NOT RECORDED
 26 APR 23 1981

b6
 b7C

4/10
 FBI/DOJ

66-19249

Original Filed In

Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir.: _____
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Mr. Finzel *7/Rwx*

Date 4/7/81

From : R. W. Scherrer *Rwx*

Subject : DESTRUCTION OF RECORDS
 NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
 APPRAISAL OF FBIHQ AND FIELD RECORDS

PURPOSE:

To record correspondence received from NARS regarding security clearances held by NARS personnel.

RECOMMENDATION: For information.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____		Rec. Mgnt. <i>7/Rwx</i>
Exec AD Adm. _____	Ident. _____	Tech. Servs. _____
Exec AD Inv. _____	Intell. _____	Training _____
Exec AD LES _____	Off. of Cong. & Public Affs. _____	Telephone Rm. _____

DETAILS:

In connection with the appraisal of FBIHQ and field files by NARS, the attached communications relating to security clearances held by NARS personnel were received and should be made a matter of record.

Communications attached to the original of this memorandum are letters dated March 11, 1981, and March 7, 1980, from the Chief, Personnel Security Branch of General Services Administration. In addition, a memorandum dated 3/3/80 from the Assistant Archivist is attached.

Enclosures (3) *ENCLOSURE*

66-19249

- 1 - Mr. Mintz (Attn:)
- 1 - Mr. Finzel
- 1 - Mr. Andrews

1 -

- 1 - Mr. Scherrer

Rwx
 RWS:evp
 (9)

**ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED**

DATE *9-24-82* BY *SP4 ESW/jdk*

66-3286-

NOT RECORDED
 26 APR 23 1981

59 MAY 4 1981

4/lux
 FBI/DOJ

66-19249-29

Original Filed In

Assistant Attorney General
Criminal Division - Appellate Section
Attention: Mr. Frank J. Marine

1 - Mr. Bayse
Attn: Mr. Lawler
1 - Mr. Stames
Attn: Mr. Arnold

b6

b7C

November 4, 1980

Assistant Director - Legal Counsel
Federal Bureau of Investigation

1 -
1 -

JOHN DOE v.
WILLIAM H. WEBSTER, et al.
(U.S.D.C., D.C.C.)
COURT OF APPEALS NO. 77-2011

Reference is made to your letter, captioned as above, dated July 29, 1980.

This communication sets forth a detailed explanation as to why, after considering Mr. Marine's suggestions in the above-referenced letter, the Identification Division (ID) continues to believe that expunction of conviction-set-aside (CSA) records is the most appropriate method of compliance with the decision of the court in the above-captioned case. Briefly stated, the ID points out the risk of inadvertent disclosure during employment and licensing inquiries at state and local agencies, and the resulting harm that might be caused from the acquisition of only partial information by the inquirer. The cumbersome and time consuming method of providing the total record to those agencies entitled to it is also mentioned.

Particular emphasis is given to the fact that only approximately 400 CSA certificates per year are involved. This fact coupled with the small rate of recidivism among those receiving CSA certificates diminishes the importance of maintaining the records when balanced against the harm that might result from disclosure of the information.

BFB:tlb
(8)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-24-82 BY SP4 EFW/THK

LC to AD, RMD
4-22-81
JEB:Kai

66-3286-1364 X

70-6227-5
ENCLOSURE

Assistant Attorney General

The ID concludes with a discussion of the availability of the same information through other sources, and the extensive cost involved in implementing the approach suggested by Mr. Marine. Our Technical Services Division concurs with the ID suggestion for reasons stated infra.

The position of the Legal Counsel Division (LCD) is also in accord with that of the ID. As long as there exists a clear possibility that information regarding the conviction may be disseminated, inadvertently or otherwise, the express intent of the court in this case will be frustrated. As the court stated, "The plain fact is that - irrespective of notations and certification - unless the slate is wiped clean in such a way that the FBI will not disclose, and the youthful ex-offender whose conviction was set aside may legally deny, the existence of that previous conviction, he will almost inevitably and forever bear its stigma in terms of both social relationships and economic opportunities. Anything less leaves him at best only slightly better off than if his conviction had never been set aside at all." Doe v. Webster, 606 F.2d 1226 (D.C.C. 1979), at p. 1239-1240.

The primary concern of the Department appears to be the permanent loss of the record, which might prove useful in future law enforcement investigations. According to a footnote of the opinion, numerous district courts do not share this concern, in that many are cited as viewing section 5021 as authorizing expunction. Ibid., n. 47 at p. 1237. Nor was the Doe court averse to the general idea of records being expunged, as evidenced in that portion of the opinion beginning on page 1235, dealing with the federal record-keeping laws. The court was concerned with the fact that there might be some legitimate law enforcement interest in the CSA records, but the primary emphasis was on insuring that the records not be "disseminated to anyone, public or private, for any other purpose (than a bona fide criminal investigation)." Ibid., at p. 1244. The suggested system of sending out a caveat to all inquiring agencies to the effect that more information is available would protect the law enforcement interest, but not the interest of the ex-offender, about whom the court was primarily concerned.

When this is considered in conjunction with the fact that the information is available from other sources, as pointed out in more detail later, and the indication that occasions when the information might be needed would be extremely rare, the concern over expunging the FBI record should be assuaged.

Assistant Attorney General

The following represents the basis for the belief by the ID that CSA records should be expunged:

By memorandum from Assistant Director - Legal Counsel to the Assistant Attorney General, Criminal Division - Appellate Section, dated February 26, 1980, captioned as above, the DOJ was requested to authorize expunction of identification record entries representing convictions under the Federal Youth Corrections Act (FYCA) when the conviction is later set aside. By memorandum from Frank J. Marine, Attorney, Appellate Section, Criminal Division, to John A. Mintz, Assistant Director - Legal Counsel, dated July 29, 1980, the DOJ responded to our memorandum.

The Marine memorandum stated that the DOJ did not agree with the FBI request because (a) expunction of the CSA entries would deprive law enforcement of such information in bona fide criminal investigations; (b) the Department would be deprived of information it needs in determining future FYCA eligibility; and (c) "we should not unnecessarily yield prerogatives that the court permitted." Accordingly, the DOJ proposed that CSA entries be deleted from any responses to employment and licensing inquiries. The DOJ further proposed that arrest fingerprint cards and other criminal justice inquiries be answered by deleting CSA entries and adding a caveat to the record advising that additional information was available if the inquiry was in connection with a bona fide criminal investigation. The agency would then have to make another request for the complete record, certifying that it was in connection with such an investigation.

The ID has serious reservations about implementing the procedure suggested by the DOJ. It would cause identification records bearing the caveat to be placed in the files of state central criminal history records repositories as well as the files of state and local law enforcement agencies where they might be revealed in response to employment and licensing inquiries. Many of these agencies allow Federal agencies access to their files for employment and licensing purposes. The ID is aware that the Office of Personnel Management (OPM) and the Defense Investigative Service (DIS), two agencies which conduct the vast majority of employment and licensing inquiries for the Federal Government, review the files of state and local criminal justice agencies. Even though OPM and DIS would not receive CSA information from the ID, they may be alerted to this information during a state or local agency records check when the agency files contain an FBI identification record bearing the caveat. Further, although state and local criminal justice agencies are not authorized to furnish information from FBI identification records in response to non-Federal employment and licensing inquiries, such information may be disclosed inadvertently.

Assistant Attorney General

The release by a state or local criminal justice agency of information from an FBI identification record bearing the caveat could result in harm to an applicant if the inquirer presumes from the caveat that there are additional arrests and does not receive the complete facts, i.e., there was an arrest and conviction but the subject's good conduct resulted in the conviction being set aside. The ID is concerned over the possibility of lawsuits against the FBI when identification record information is obtained in this manner and the applicant is denied employment.

A record bearing the caveat can also harm the subject whose name arises during a law enforcement inquiry. The caveat may lead a criminal investigator reviewing the record to presume the individual has a more serious record than actually exists. This may result in detrimental action against the record subject. The mere fact that the record is unusual will call attention to it, contrary to the intent of the Doe decision which seeks to protect those who earn CSA treatment.

Another problem with the DOJ's proposal is the added time for an agency entitled to the complete record to receive it. First, the fingerprint card submission or other request will be answered with the restricted record and the caveat. The recipient will then have to make a second request for the CSA information. Several additional weeks will elapse before the full record is obtained. In the meantime, the record subject may be in custody pending a bail determination, or awaiting a prosecutive determination. Here again the intent of Doe will be frustrated.

The DOJ argues that law enforcement would be deprived of CSA information for bona fide criminal investigative purposes if our proposal to expunge such entries is adopted. It is pointed out that the ID receives only approximately 400 CSA certificates each year. Recipients are persons who have demonstrated exemplary conduct which earned them early termination of confinement or probation. Officials of the Administrative Office of United States Courts (AOUSC) have advised they maintain no data on recidivism by persons receiving CSA certificates; however, very few individuals who receive certificates become repeat defendants in the Federal judicial system. Since many of these persons will never again become involved in the criminal justice process as a suspect or defendant, there will be no later need for their records to be disseminated. The futures of all who earn the CSA certificate should not be unnecessarily jeopardized for the small benefit gained by having these records available.

Assistant Attorney General

Mr. Marine's memorandum states the DOJ would be deprived of information needed to determine future FYCA eligibility if the ID procedure were adopted. It is acknowledged that ID records would provide the most comprehensive check to determine if a person has a prior conviction. However, the same information may also be available through the U.S. Probation Office where the individual was supervised or the Bureau of Prisons if the individual was confined. The AOUSC maintains limited records concerning CSA matters, and may be able to identify persons who have been handled under the FYCA. Further, in view of the AOUSC statement that very few persons obtain the certificates become repeat offenders in the Federal judicial system, there will be minimal need for this information.

The DOJ argues that we should not unnecessarily yield prerogatives the court permitted. Given the serious problems encountered in trying to follow the court's instructions, the ID still believes expunction is the most judicious course of action when the danger of harm to the record subject and the possibility of lawsuits against the FBI are balanced against the small benefit to be derived from maintaining the records. If this means yielding certain prerogatives permitted by the Court, then it seems a small price to pay for protecting individual rights.

A final objection to the DOJ's proposal is the cost and effort of implementing and maintaining the new system. The DOJ's memorandum suggests that a simple coding procedure can be implemented to provide automated response for CSA records. While it is agreed that the necessary programming can be accomplished, it is estimated that it will take three man-months to identify and make the necessary changes to the functional specifications and six man-months to program, check out, and document all changes to the existing AIDS programs. The ID believes that this is an extensive and costly undertaking and should not be characterized as a simple programming change.

Based on all the considerations involved, the ID strongly believes that the procedures recommended by the DOJ should not be adopted.

The Technical Services Division (TSD) agrees with both the ID and the DOJ that CSA information should not be disseminated for employment and licensing purposes. Dissemination of

Assistant Attorney General

CSA information in response to all criminal fingerprint card submissions is considered most desirable in serving the needs of the criminal justice community; however, given the constraints imposed by the DOJ proposed procedure, any dissemination would be impractical. The proposed procedures are likewise impractical in regard to the exchange of records from the NCIC Computerized Criminal History file. TSD, therefore, concurs with the recommendation of the ID.

In view of the above, the Department is requested to reconsider the recommendation that CSA records be expunged.

If there are any questions, please contact Special Agent [redacted] at FTS [redacted] or Special Agent Kenneth Arnold at FTS [redacted]

1 - Honorable Charles F. C. Ruff
United States Attorney
Room 2800-A U.S. Courthouse
3rd & Constitution Avenue, NW
Washington, D.C. 20001

b6

b7C

Attention: Ms. Pat Frohman
Assistant United States Attorney

NOTE: This letter requests that the DOJ reconsider its position with regard to the disposition of Conviction-Set-Aside records under the Federal Youth Corrections Act. The Department previously rejected our proposal that all such records be expunged. This letter relates the basis for the Identification Division's continued belief that expunction is most consistent with the Doe Court's decision. With regard to the statements in the first paragraph of Page 4 pertaining to the AOUSC, Mr. Kenneth Arnold, Section Chief, I.D., advised that this information was provided to him by a representative of that Court during a telephone conversation. He could not recall the name of the individual to whom he spoke.

Memorandum

Redacted info not a FOIA deletion



Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

To : Assistant Director
Records Management Division

Date 4/22/81

From : Legal Counsel

Subject : [REDACTED]

DESTRUCTION OF
BUREAU RECORDS - GENERAL

PURPOSE: To provide a legal analysis of the Federal Youth Corrections Act (FYCA), Title 18, United States Code (USC), Section 5021(b), upon which a policy can be developed by Records Management Division (RMD) for processing expungement orders, pursuant to the FYCA, such as arose in connection with captioned subject.

SYNOPSIS: By memorandum from R. W. Scherrer to Mr. Bailey, dated 7/10/80, RMD requested guidance from Legal Counsel Division (LCD) regarding the proper disposition of file material following the receipt of a court order calling for the expunction of the criminal record of an individual afforded treatment under the FYCA, Title 18, USC, Section 5021(b). It is the opinion of LCD, that future dissemination of records concerning the arrest and/or conviction of any individual afforded expunction under the FYCA must be limited to bona fide law enforcement agencies for bona fide law enforcement purposes, which would not include an investigation for the purpose of determining an individual's suitability for employment with a law enforcement agency. It is LCD's opinion that the [REDACTED] Order in question did not intend to require expunction in accordance with Title 21, USC, Section 844(b) (2) but only used this statute as an analogy when discussing the authority of a federal court to expunge a criminal record.

RECOMMENDATION: That dissemination of arrest and conviction information subject to court ordered expungement under the FYCA be limited to inquiries from law enforcement agencies for bona fide law enforcement investigative purposes, not to include an investigation to determine suitability for employment.

"SET ASIDE RECORD"

Original filed in the Special File Room pursuant to Federal Youth Corrections Act, 18 USC, Section 5021(b).

APPROVED:

Director _____
Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____

1 - Mr. Finzel

(Attn: Mr. Scherrer) DEC 8 1981

1 - Mr. Stames

JRB:kar (6)

1 - [REDACTED]
1 - Mr. Blackburn
1 - Legal Research Unit

16 1982

cc: 70-62287

Memo LC to A RMD

Re: [REDACTED]

DETAILS: By memorandum from R. W. Scherrer to Mr. Bailey, dated 7/10/80, RMD requested guidance from LCD regarding the proper disposition of file material following the receipt of FYCA expungement orders such as the one which arose in connection with captioned matter. Attached is a copy of an order from the United States District Court for the Southern District of Illinois calling for the expunction of the "criminal record" of [REDACTED], who was afforded treatment under the FYCA. 1/ While the [REDACTED] Court notes that expunction is not explicitly mentioned in the FYCA, the Court bases its authority for this expunction on its "inherent power to expunge a criminal record if, in the particular case, expunction would further the purposes of the Youth Corrections Act." Based upon a previous recommendation from LCD, RMD has segregated the [REDACTED] file from the central records files in order to prevent dissemination of information from this file until a policy for handling FYCA orders is implemented. LCD believes that a policy for handling such cases is necessary in order to comply with the legislative intent of the FYCA and all future FYCA orders.

The Congressional purpose of the FYCA was to prevent young offenders from becoming habitual criminals and "to help the offender get a job and keep him from having to be turned down by a prospective employer because of the fact that he has had a conviction." 2/

1/ Title 18, USC, Section 5021 (1970). In full, the statute provides:

(a) Upon the unconditional discharge by the division of a committed youth offender before the expiration of the maximum sentence imposed upon him, the conviction shall be automatically set aside and the division shall issue to the youth offender a certificate to that effect.

(b) Where a youth offender has been placed on probation by the court, the court may thereafter, in its discretion, unconditionally discharge such youth offender from probation prior to the expiration of the maximum period of probation therefore fixed by the court, which discharge shall automatically set aside the conviction, and the court shall issue to the youth offender a certificate to that effect.

2/ Hon. Orie L. Phillips, Chief Judge, U.S. Court of Appeals, Tenth Circuit, before the Senate Committee on the Judiciary on S.1114 and S.2609, 81st Cong., 1st Sess., (1949) p. 70.

3/ Correctional System for Youth Offenders: Hearings on S.1114 and S.2609 Before a Subcommittee of the Senate Committee on the Judiciary, 81st Cong., 1st Sess., 1 (1949). What is now referred to as section 5021 was originally section 5025.

Memo LC to A RMD

Re: [REDACTED]

Although the Congressional purpose of the FYCA is clear, just what is encompassed by the term "set aside" contained in Section 5021(b) is not clear from the legislative history as there was only limited discussion of this term in the Committee hearings. What remarks were made did little to dispel the doubt surrounding the term "set aside". 3/ Because of the lack of documentation of the Congressional intent behind Section 5021, the courts have had the task of defining the proper implementation of the statute. This has resulted in the meaning of the "setting aside" of a conviction still continuing to cause controversy among the federal courts which do not agree on the construction to be given Section 5021. 4/ The meaning and effect of "set aside" has been variously interpreted by federal courts and described as "expunged", "sealed", "vacated", "wiped out" or "pardoned".

United States v. McMains 5/ was the first case to deal directly with the expunction of conviction records under the FYCA. In McMains the Court concluded that Congress did

4/ Compare, Schaefer, The Federal Youth Corrections Act: The Purposes and Uses of Vacating the Conviction. Fed. Probation, Sept., 1975 at 31, with Cough, The Expungement of Adjudication Records of Juvenile and Adult Offenders: A Problem of Status, 1966 Wash. U.L.Q. 147. Language used by courts when only parenthetically referring to the effects of Section 5021 upon the records of an ex-offender is often ambiguous. Language which appears to indicate that the provision acts to expunge both the conviction and the youth's criminal record has been used by several courts. See, Cox v. United States, 473 F.2d 334, 336, 340n.4 (4th Cir. 1973); United States v. McDonald, 481 F.2d 513, 525 (D.C. Cir. 1973) (dissenting opinion); United States v. McDonald, 386 F.Supp. 587, 589 (D.N.H. 1975); United States v. Bailey, 343 F.Supp. 76, 78 (W.D. Mo. 1971); United States v. Caviness, 239 F.Supp. 545, 553 (D.D.C. 1965). Other courts, however, have used language indicating that Section 5021 expunges only the record of conviction. See United States v. Mollet, 510 F.2d 625, 628 (9th Cir. 1975); Brager v. United States, 527 F.2d 895, 897n.1 (8th Cir. 1975); United States v. Bronson, 449 F.2d 302, 305 (10th Cir. 1971); United States v. Prianos, 403 F.Supp. 766, 769 (N.D. Ill. 1975); United States v. Borawski, 298 F.Supp. 198, 200 (E.D. N.Y. 1969).

5/ 540 F.2d 387 (8th Cir. 1976).

Memo LC to A RMD

Re: [REDACTED]

not intend Section 5021 of the FYCA to remove a youth's record from public scrutiny, but intended instead to compromise the rehabilitative goals of the FYCA in favor of "the important societal interest served by criminal record keeping" and held that the FYCA does not authorize or empower a federal court to expunge a criminal record of one whose conviction has been "set aside". 6/

After McMains, the Sixth Circuit in United States v. Doe 7/ also held that Section 5021 did not authorize expunction, but stated that the setting aside of a person's conviction should be noted on all records. Previously, in United States v. Fryer 8/ the Sixth Circuit had referred to the FYCA as an "expungement" statute. The Sixth Circuit distinguished this apparent conflict by a difference in the definition of the term "expungement". The Fryer Court equated expunction with vacating the judgment of a conviction, whereas in Doe, expunction meant the destruction or erasure of records. The Doe Court went on to say that the FYCA is an expunction statute in that it annuls convictions. 9/ Thus, consistent with Fryer, the conviction may not be used in later prosecutions, but it is not erased and remains available to law enforcement agencies.

The District of Columbia Circuit has considered the subject of expunction on several occasions. In 1962, the Court of Appeals in Tatum v. United States 10/ stated in dictum that section 5021 of the FYCA allowed the expunction of both "the conviction and the record". 11/ This dictum was followed by Stevenson v. United States 12/ where the Court noted that it could spare an ex-offender the burden of a lifelong criminal record by setting aside the conviction. 13/ The District Court for the District of Columbia in United States v. Glasgow 14/ stated the purpose of the Act, as mentioned above, and in dictum suggested that the records of the ex-offender could be sealed, thereby freeing him of the

6/ Id., 389.

7/ 556 F.391 (6th Cir. 1979).

8/ 545 F.2d 11 (6th Cir. 1976).

9/ 556 F.2d 391, 393.

10/ 301 F.2d 854 (D.C. Cir. 1962).

11/ Id., 856n.2.

12/ 380 F.2d 590 (D.C. Cir. 1967).

13/ Id., at 593.

14/ 389 F.Supp. 217 (D.D.C. 1975).

Memo LC to AL RMD
Re: [REDACTED]

taint of conviction. 15/ Doe v. Webster 16/ is the first case in which a federal court of appeals has found that Section 5021 authorizes expunction of a conviction record. This Court examined the reasoning of McMains and United States v. Doe and then parted with their precedent. the Webster Court did not find it fatal that Congress did not specifically use the word "expungement" in Section 5021. This Court's reading of the legislative history of the FYCA led it to conclude that there was nothing which would indicate that the term "set aside" did not mean expunction; and in fact the Court found support in some statements contained in the legislative history such as: "wiped out . . . the conviction", 17/ "completely set aside the conviction so that (the person) will not have a criminal record staring him in the face", 18/ and that "this law blots out (the person's) sentence and lets (him) go without any stigma . . .", 19 to indicate that expunction was the proper remedy.

The Webster Court was unpersuaded by the government's arguments that expunction was barred by the record-keeping power vested in the Attorney General. 20/ Congress can limit

15/ Id., 224n.17.

16/ 606 F.2d 1226 (D.C. Cir. 1979).

17/ Senator Harley M. Kilgore, Congressional Record, Oct. 18, 1949, 81st Cong., 1st Sess., p. 14889; Hearings before the Senate Committee on the Judiciary on S.1114 and S.2609, 81st Cong., 1st Sess., 1949, p. 70n.2.

18/ Id., 45.

19/ Id., 19.

20/ The government cited 28 USC, Section 534 (1976) as authorizing the retention of records by the Attorney General. Section 534 provides in pertinent part:

534. Acquisition, preservation, and exchange of identification records; appointment of officials

(a) The Attorney General shall

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.

(b) The exchange of records authorized by subsection (a) (2) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

Memo LC to A RMD
Re: [REDACTED]

the record-keeping power of the Attorney General, as evidenced by a recently enacted statute expressly authorizing the expunction of the records of certain federal drug offenders. 21/ It is only logical that Congress, which conferred the record-keeping power on the Attorney General may limit the power as it later sees fit. Courts have also intruded into this power by the equitable expunction of criminal records in extraordinary circumstances. 22/ The Webster Court found that Section 5021 was a statutory exception to the power of the Attorney General and that, in any case, the Court's inherent equity power to expunge records could be invoked to override the statute.

The Webster Court incorporated into its interpretation of the FYCA a balancing of governmental law enforcement needs against the individual ex-offender's right to privacy. The Court defined "expunction" to mean a separate storage of the conviction records which may be used only "in the course of a bona fide criminal investigation". 23/ The Court reasoned that this type of "expunction" will not burden law enforcement agencies and yet will afford individual ex-offenders maximum protection. The Court stated that law enforcement agencies would have complete access to arrest records, and that the conviction records will be available in a "bona fide criminal investigation". The Court found that the interests of the ex-offender and law enforcement could both be protected by this form of "expunction".

The plaintiff in Webster also sought the expunction of his arrest records. Such expunction is not within the scope of Section 5021 of the FYCA, as by its language, 5021 provides only for setting aside of convictions. However, under the FYCA a "conviction" is a judgment, a verdict, or plea of nolo contendere. 24/ This definition precludes any construction of Section 5021 that might include arrest records in those records which are set aside under the Act. So, the decision as to whether the plaintiff's arrest records should be expunged rested upon the Webster Court exercising its

21/ 21 USC, Section 844(b) (2) (1976).

22/ E.g., United States v. McLeod, 385 F.2d 734 (5th Cir. 1967); United States v. Benlizar, 459 F.Supp. 614 (D.D.C. 1978); Urban v. Breier, 401 F.Supp. 706 (E.D. Wis. 1975). Contra, Rogers v. Slaughter, 469 F.2d 1084, 1085 (5th Cir. 1972).

23/ 606 F.2d at 1244.

24/ 18 USC 5006(g) (1976).

Memo LC to AL RMD

Re: [REDACTED]

equitable power of expunction. The Court employed the test of whether federal law enforcement interests outweigh the plaintiff's right of privacy, the outcome of which depends on the facts of each particular case. The Webster Court found that the governmental interest in law enforcement outweighed the plaintiff's right to privacy, and held the arrest records could not be expunged because no extraordinary circumstances such as a constitutional violation were at issue. The Court noted that persons arrested but not convicted are not entitled to expunction as a matter of course, and that a convicted person should not gain any advantage solely by virtue of his conviction. This reasoning is supported by precedent. The District of Columbia Circuit has found on numerous occasions that arrest records may not be expunged absent statutory authority. 25/ Other circuits are largely in agreement with the D.C. Circuit. 26/

Recently, two federal district courts have followed the basic reasoning of the Doe v. Webster Court. However, unlike the Doe v. Webster Court, they have concluded from a review of the FYCA legislative history that Section 5021 not only implicitly authorizes, but requires expungement of a youth's arrest records, as well as his conviction records. United States v. Thomas A. Henderson 27/ and United States v. John Doe. 28/ Both Courts state that a federal court has the inherent power to expunge a youth's arrest record where expungement would further the purposes of the FYCA. The basic difference between these cases and Doe v. Webster is that they chose to read the phrase "set aside the conviction" very literally, while the Doe v. Webster Court chose to interpret the word "conviction" narrowly so as to exclude the arrest record from the expungement remedy. The Henderson Court noted that federal and state courts have often recognized that the word

25/ See, e.g., Utz v. Cullinane, 520 F.2d 467 (D.C. Cir. 1975); Sullivan v. Murphy, 478 F.2d 938 (D.C. Cir.), cert. denied, 411 U.S. 880 (1973); Morrow v. District of Columbia, 417 F.2d 728 (D.C. Cir. 1969); United States v. Benlizar, 459 F.Supp. 614 (D.D.C. 1978).

26/ E.g., Shipp v. Todd, 568 F.2d 133 (9th Cir. 1978); United States v. Schnitzer, 567 F.2d 536 (2d Cir. 1977); United States v. Linn, 513 F.2d 925 (10th Cir.), cert. denied, 423 U.S. 836 (1975); United States v. McLeod, 385 F.2d 734 (5th Cir. 1967); see, Coleman v. United States Dep't. of Justice, 429 F.Supp. 411 (N.D. Ind. 1977).

27/ 482 F.Supp. 234 (D. N.J. 1980).

28/ 496 F.Supp. 650 (D. R.I. 1980).

Memo LC to A RMD

Re: [REDACTED]

"conviction" is of equivocal meaning. In United States v. Cody 29/ the Court stated that what constitutes a conviction "varies according to the purpose for which its definition is sought". 30/ Even courts which have not explicitly addressed this issue have in actuality looked to the intent of a particular statute in order to derive a definition for the word "conviction". 31/

It should be noted that although both courts in United States v. Henderson and United States v. John Doe ordered "expungement" of both arrest and conviction records, they specifically referred to "expungement" as the remedy fashioned by the District of Columbia Circuit in Webster. 32/ The Henderson Court extensively discussed the Government's investigative need to maintain criminal records and stated that this remedy would adequately accommodate both the interests of the law enforcement community in record-keeping and the youthful offender's interest in freedom from the taint of a criminal conviction.

29/ 529 F.2d 564, 566n.3. (8th Cir. 1976).

30/ See also, People v. Fabian, 192 N.Y. 433, 449 (1908); DeVeau v. Braisted, 5 N.Y. 2d 236, 242 (1959); Richetti v. New York State Board of Parole, 300 N.Y. 357, 360 (1950).

31/ E.g., Quershi v. Immigration and N. S. Dept. of J. of United States, 519 F.2d 1174, 1175-76 (5th Cir. 1975) (looks to Congressional intent of "conviction" in 18 USC, 1251(a)(5)); Zabanazad v. Rosenbery, 306 F.2d 861, 861-62 (9th Cir. 1962) (determines that a violation of 11530 of the California Health and Safety Code is a "conviction", and therefore warrants deportation); Postma v. International Bro. of Teamsters, Etc., Local 294, 229 F.Supp. 655, 658 (N.D. N.Y.), add'd, 337 F.2d 609 (2nd Cir. 1964) (construes the word "conviction" as used in 29 USC, 504); United States v. Lee, 227 F.Supp. 450 452 (D. N.D. 1964) found a court-martial conviction to fall within the ambit of the term "conviction" as used in 15 USC, 902(e)).

32/ The text of Webster's remedy is as follows:

The set-aside must be actual: the conviction records must be physically removed from the central criminal files and placed in a separate storage facility not to be opened other than in the course of a bona fide criminal investigation by law enforcement authorities and where necessary for such an investigation. These records may not be used by appellees FBI for any other purpose, nor may they be disseminated to anyone, public or private, for any other purpose.

Once notified of the entry of a set-aside order, appellees and their agents will be required to respond in the negative to any and all inquiries concerning the set-aside conviction. Similarly, the ex-offender whose conviction is or has been set aside under section 5021, may legally reply in the negative to any and all inquiries concerning his former conviction.

Memo LC to A RMD
Re: [REDACTED]

The United States v. John Doe Court ordered:

1. Once a district court issues its order setting aside a conviction under section 5021 and transmits that order to the Federal Bureau of Investigation, it will not be sufficient for the Identification Division of that Bureau merely to enter the words "set aside" on its records. The set-aside must be actual: the conviction records and the arrest records must be physically removed from the central criminal files and placed in a separate storage facility not to be opened other than in the course of a bona fide criminal investigation by law enforcement authorities and where necessary for such an investigation. These records may not be used by the government for any other purpose, nor may they be disseminated to anyone, public or private.
2. Once notified of the entry of a set-aside order, the government and its agencies will be required to respond in the negative to any and all inquiries concerning the set-aside conviction and arrest records. 33/

The Webster decision prescribes a system of segregation of identification records for the Federal Bureau of Investigation (FBI). This restriction, which is short of expungement in its purest sense, serves the interests of rehabilitation without denying law enforcement agencies access to a criminal record. Several cases have held that a court can shape a remedy in equity in the absence of a specific statutory remedy. Thus a court can shape relief in the form of something less than actual expunction by ordering records sealed and prohibiting disclosure of their contents. 34/

Thus, the FBI must not only comply with FYCA expunction orders for identification records but must insure that information concerning an ex-offender's arrest and conviction is not disseminated so as to negate the purpose of the FYCA.

33/ The wording of this order was taken from Doe v. Webster, supra, at 1244, except as to that portion pertaining to arrest records.

34/ 424 U.S. 693, 47 L.Ed. 2d 405 (1976).

Memo LG to AD, RMD

Re: [REDACTED]

The above court decisions agree that the purpose of "setting aside" the conviction record is to protect the youthful ex-offender from the social stigma and loss of economic opportunity that accompanies the status of an "ex-con" label. The courts agree that the intent of the FYCA, as indicated throughout its legislative history is to afford individuals processed under the FYCA an opportunity to gain employment and reintegrate into the productive segment of society; although, in providing this protection, these courts recognize the legitimate law enforcement interests of the Government in keeping criminal records and the statutory duty of the FBI to maintain these records. 35/

Thus, it is LCD's opinion that RMD must insure that information concerning the conviction of captioned subject, as well as any other individual whose record is "set aside" or "expunged" under the FYCA pursuant to a federal court order, is not disseminated other than to a bona fide law enforcement agency for a legitimate law enforcement investigative purpose. Such a purpose would not include an investigation to determine suitability for employment by a law enforcement agency. 36/ Furthermore, LCD is of the opinion that dissemination of information concerning an individual's arrest should likewise be restricted, to a legitimate law enforcement agency for a legitimate law enforcement investigation when a court order commands expunction of both an individual's conviction and arrest records.

LCD notes that the FBI and the Appellate Section of the Criminal Division, Department of Justice (DOJ) are currently discussing various methods by which the Identification Division (ID) can comply with set aside orders pursuant to the FYCA directing expungement of Identification records or the arrest and conviction information they contain. See, memorandum from the Director to the Assistant Attorney General, Criminal Division, captioned "John Doe v. William H. Webster, et al., dated 11/4/80, copy attached.

35/ United States v. Rosen, 343 F.Supp. 804 (S.D. N.Y., 1972). Only where the "original arrest was unlawful, or a statute directs the court to expunge." United States v. Seasholtz, 376 F.Supp. 1288 (D. Okla. 1974), or where equity requires the expungement to effect the requirements of justice, United States v. Doe, 556 F.2d 391 (6th Cir. 1977), will a court order a record expunged.

36/ See, 482 F.Supp 234.

Memo LC to (), RMD
Re: [REDACTED]

The ID is concerned with the risk of an inadvertent disclosure during an employment or licensing inquiry by a state or local agency and so desires the identification record to be physically destroyed. The primary concern of the DOJ appears to be the permanent loss of the record which might prove useful in future law enforcement investigations.

The position reached in this memorandum is not inconsistent with the point of view of the ID because the records here are the raw investigative files of the FBI, which are not normally available to state or local agencies as are the ID's records. We thus conclude that while the ID may, out of an abundance of caution, find it more prudent to completely destroy the identification records, we do not think that this solution is required by the law for the investigative records. Thus, LCD recommends that the investigative records maintained by the Records Management Division which are the subject of a set aside order pursuant to the FYCA not be destroyed but rather be completely segregated from the main investigative files.

Enclosure

Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir. _____
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Mr. Finzel *7/RW*

Date 8/26/81

From : R. W. Scherrer *RWS*

Subject : DESTRUCTION OF BUREAU RECORDS

**ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED**

DATE 9-29-82 BY SP4 E2 W/BNK

PURPOSE:

The purpose of this memorandum is to record receipt of GSA Bulletin FPMR B-111 which reduces the retention period for General Accounting Office's (GAO) site audit records.

RECOMMENDATION:

That this memorandum be referred to the Voucher and Payroll Section, Administrative Services Division, for appropriate action.

APPROVED:	Adm. Servs. _____	Laboratory _____
	Crim. Inv. _____	Legal Coun. _____
Director _____		Off. of Cong. & Public Affs. _____
Exec. AD-Adm. _____	Ident. _____	Rec. Mgnt. <i>7/RWS</i>
Exec. AD-Inv. _____	Inspection _____	Tech. Servs. _____
Exec. AD-LES _____	Intell. _____	Training _____

DETAILS:

GSA Bulletin FPMR (Federal Property Management Regulations) B-111, dated 7/7/81 (copy attached), authorizes a reduced retention period of six years and three months after period covered by the account for all GAO site audit records.

We have previously observed the split retention period of 10 years, three months, after period covered by account for records created prior to Fiscal Year 1976 (July 1, 1975), and six years, three months, after period covered by account for records created after Fiscal Year 1975 (June 30, 1975). GAO has now ruled that the "six-year" limitation applies to all site audit records, regardless of date.

Enclosure

66-3286

ENCLOSURE

DE-65

2 - Mr. Revelle

1 - Mr. Finzel

1 - Mr. Scherrer

1 - [Redacted]

1 - [Redacted]

1 - [Redacted]

1 - [Redacted]

CMG/adp

(6)

b6

b7C

17 SEP 3 1981

b6

b7C

FBI/DOJ

Memorandum R. W. Scherrer to Mr. Finzel
RE: DESTRUCTION OF BUREAU RECORDS

Modification to the preliminary injunction issued by Judge Harold H. Greene on 1/10/80, permits destruction of records encompassed by General Records Schedule #6; therefore, the Voucher and Payroll Section, Administrative Services Division, may apply the reduced retention period on the authority of this memorandum and FPMR Bulletin B-111.

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

July 7, 1981

GSA BULLETIN FPMR B- 111
ARCHIVES AND RECORDS

TO: Heads of Federal agencies

SUBJECT: Revision of General Records Schedule (GRS) 6, item 1

1. Purpose. This bulletin announces an amendment to General Records Schedule (GRS) 6, Accountable Officers' Accounts Records, item 1, Accountable Officers' Accounts.

2. Expiration date. This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

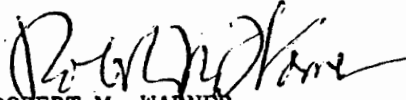
3. Background. At the request of the National Archives and Records Service, the General Accounting Office (GAO) reevaluated the effect of the General Accounting Office Act of 1974 (Pub. L. 93-604) that reduced the statute of limitation on claims brought before the Comptroller General from 10 years to 6 years. Initially, GAO believed that a corresponding reduction in the retention period could be made for its extremely voluminous site audit records. In fact, a request was approved in 1975 establishing a 6-year standard. Shortly after this schedule was processed, however, GAO determined that the reduced statute of limitations was not retroactive. Consequently, a new schedule was approved providing for the current split retention period. Site audit records created before FY 1976 are destroyed after 10 years while those created after FY 1975 may be destroyed after only 6 years (GRS 6, item 1a). GAO now has ruled that the 6-year limitation applies to all site audit records, regardless of date.

4. Explanation of change. The current description of site audit files in GRS 6, item 1a, will not change. However, the disposition instruction is modified by deleting the standards in items 1a(1) and 1a(2). All site audit files now are governed by the disposition instruction to "Destroy 6 years and 3 months after the period covered by the account."

5. Action. Make the necessary pen-and-ink changes to GRS 6, item 1a, and cite this GSA bulletin as authority.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 1/23/03 BY AUC 100290 BCE/DCS/gmw


ROBERT M. WARNER
Archivist of the United States

66-3286-1365

ENCLOSURE

ME0003 1772125Z

PP HQ

DE ME

P 1262125Z JUN 81

FM MEMPHIS (26-40311) (66-796) (P)

TO DIRECTOR PRIORITY

BT

UNCLAS E F T O

ATTENTION: LEGAL COUNSEL DIVISION.

[REDACTED] ET AL; ITSMV (A); OO: MEMPHIS.

DESTRUCTION OF FIELD FILES AND RECORDS

RE BUREAU TELETYPE TO ALL FIELD OFFICES, JUNE 10, 1981.

FOLLOWING COMPLETION OF TRIAL IN U. S. DISTRICT COURT, NASHVILLE, TENN., IN FIRST CAPTIONED MATTER, SUBJECT [REDACTED] WAS ABLE TO SHOW BONAFAIDE INTEREST IN [REDACTED] SEIZED BY FBI. INSURANCE COMPANY ALSO HAD BONAFAIDE INTEREST IN VEHICLE AND A SETTLEMENT WAS REACHED WHEREIN THE VEHICLE WOULD BE SOLD AND [REDACTED]

[REDACTED] WHEN VEHICLE SEIZED KENTUCKY TITLE ALSO SEIZED.

ON JUNE 25, 1981, U. S. ATTORNEY JOE B. BROWN, NASHVILLE, TENNESSEE, REQUESTED FBI GIVE INSURANCE COMPANY TITLE TO VEHICLE,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 ESW/7HK

66-3286-
NOT RECORDED
AUG 4 1981

b6

b7C

55 AUG 17 1981

ORIGINAL FILED IN 26-447697-101

PAGE TWO

ME -40311, ME 66-796

UNCL E F T O

AND USA WAS ADVISED OF INJUNCTION ISSUED BY U. S. DISTRICT JUDGE GREENE. USA THEN INSTRUCTED THAT TITLE BE GIVEN TO HIM PERSONALLY AND HE WOULD THEN GIVE TITLE TO INSURANCE COMPANY; AND THIS WAS RESPECTFULLY DECLINED BY BUAGENT.

AT THIS POINT LEGAL COUNSEL DIVISION CONTACTED AND CONCURRENCE WAS GIVEN WITH DECISION BY BUAGENT, NASHVILLE, IN NOT GIVING TITLE TO USA.

ABOVE ACTION BROUGHT TO THE ATTENTION OF VINCENT GARVEY AT DOJ BY USA BROWN AND GARVEY STOOD BEHIND BUAGENT IN DECISION. USA BROWN ADVISED JUNE 26, 1981, THAT HE WOULD GET COURT ORDER IN MIDDLE DISTRICT OF TENNESSEE ORDERING FBI TO TURN OVER CAR TITLE TO INSURANCE COMPANY, OR SECOND ALTERNATIVE WOULD BE TO ENTER CAR TITLE INTO EVIDENCE IN COURT, AT WHICH TIME IT COULD THEN BE RETURNED TO INSURANCE COMPANY. IT WAS EXPLAINED TO USA BY BUAGENT THAT THIS PROBABLY COULD NOT BE DONE, INASMUCH AS NO TRIAL IS IN PROGRESS AND MATTER HAS BEEN ALREADY TRIED IN COURT AND, THEREFORE, NO EVIDENCE COULD BE ENTERED.

IT WAS FURTHER EXPLAINED TO USA THAT IF LOCAL COURT ORDER ISSUED FOR RETURN OF TITLE, BUAGENT HAD A DECISION TO MAKE AS TO WHETHER HE WOULD BE IN CONTEMPT OF DISTRICT COURT IN TENNESSEE

PAGE THREE ME 26-40311, ME 66-796

UNCLAS E F T O

OR DISTRICT COURT IN WASHINGTON, D.C.

LEGAL COUNSEL WILL BE KEPT ADVISED.

BT

CC [illegible]

Date: August 31, 1981 FEDERAL GOVERNMENT

To: Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EFW/ym

From: Robert P. Finzel, Assistant Director
Records Management Division

Subject: ~~DISPOSITION OF OFFICIAL PERSONNEL FOLDERS (OPF)~~

DESTRUCTION OF BUREAU PROPERTY - GENERAL

On January 2, 1981, the Archivist of the United States approved a disposal schedule which will permit the proper disposition of OPFs maintained by the Federal Bureau of Investigation (FBI). The disposal schedule was submitted to the National Archives and Records Service (NARS) to note records which were determined by the FBI to be permanently valuable or disposable and the folders were subsequently appraised by NARS. Since the FBI retains the folders of separated personnel (FBI Supplement 293-31, subchapter 55, section 55-9a.), we have delayed implementing action on this matter until you were properly apprised of our intentions.

Pursuant to the approved disposal schedule, records of historical value will be transferred to the National Archives at the conclusion of designated retention periods. The proposed transfer of records is consistent with the requirements of the pending action "American Friends Service Committee, et al. v. William M. Webster, et al. (U.S.D.C., D.C.) Civil Action Number 79-1655".

MAILED 13
AUG 31 1981
FBI

66-3286

V28

DE-52

66-3286-1366

16 SEP 1 1981

b6
Exec AD Inv.
Exec AD Adm. b7C
Exec AD LES
Asst. Dir.:
Adm. Servs.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

- 1 - Mr. Mintz (Attn: [redacted])
- 1 - Mr. Revell (Attn: [redacted])
- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Andrews
- 1 - Mr. Scherrer
- 1 - [redacted]

CMG:tec

(9 Aug)

HFL

[redacted]

OPM

U(254-9778) called 9/10/81
and expressed appreciation
for advising OPM & they
had no objection to
proposed procedure, Aug 12/3/81

b6

b7C

2 FEB 03 1985

MAIL ROOM ☒

Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

The remaining OPFs and service record cards will be destroyed according to the retention periods authorized by General Records Schedule #1. Immediate implementation is not anticipated due to the current immaturity of the records and restrictions placed on certain temporary records by the preliminary injunction issued by Judge Harold H. Greene on January 10, 1980.

NOTE: Based on R. W. Scherrer memo to Mr. Finsel, dated 1/21/81, captioned, "Archival Authorization for Destruction of Bureau Records," which attached the disposal schedule approved by the Archivist of the United States and permits us to transfer OPFs of historical value to the National Archives and destroy the remaining records. Referenced memorandum noted that, since the OPFs are a system of records of the Office of Personnel Management (OPM) and the Federal Personnel Records Center generally destroys OPFs after designated periods, action would be held in abeyance until OPM was properly notified of our plans. We have advised OPM that we will proceed with the transfer of historical OPFs to the National Archives but that the destruction process will be held in abeyance due to the current immaturity of the records and restrictions placed on temporary records filed in the OPFs.

APPROVED:	Adm. Servs. _____	Laboratory _____
	Crim. Inv. _____	Legal Coun. _____
Director _____		Off. of Cong. & Public Affs. _____
Exec. AD-Adm. _____	Ident. _____	Rec. Mgnt. _____
Exec. AD-Inv. _____	Inspection _____	Tech. Servs. _____
Exec. AD-LES _____	Intell. _____	Training _____

[Handwritten signatures and initials are present over the right side of the routing slip, including "RWH" and "BWH".]

Mr. Colwell

8/31/81

R. P. Finzel

**PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)**

PURPOSE:

To recommend changes in the MAOP to reduce the retention period for General Accounting Office's (GAO) site audit records, insert retention period for New Agents' Training Unit class books, and issue an appropriate SAC Memorandum.

RECOMMENDATION:

That, upon approval of manual changes and SAC Memorandum, instant memorandum and enclosure be forwarded to the Manuals Desk, Administrative Services Division, for appropriate action.

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED**

DATE 9-24-82 BY SP4 EFW/gmk

Enclosure

66-04

- 1 - 66-19198 (Manual of Administrative Operations and Procedures)
- ① - 66-3286 Sub B (Destruction of Field Files and Records)
- 1 - Mr. Colwell
- 1 - Mr. Revell (Attn: Manuals Desk)
- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 - [redacted] (RMD Control Folder)
- 1 - [redacted]

CMG:tfc
(9)

b6

b7C

NOT RECORDED
26 SEP 14 1981

Original Filed

Memorandum R. P. Finzel to Mr. Colwell
RE: PROPOSED CHANGE IN MANUAL
OF ADMINISTRATIVE OPERATIONS
AND PROCEDURES (MAOP)

DETAILS:

REASON FOR CHANGE

By memorandum R. W. Scherrer to Mr. Finzel, 8/26/81, captioned "Destruction of Bureau Records," authority was granted to apply a reduced retention period of six years, three months, after period covered by the account, to all GAO site audit records pursuant to GAO ruling. We have previously observed split retention periods of 10 years, three months, after period covered by account for records created prior to Fiscal Year 1976, and six years, three months, after period covered by account for records created after Fiscal Year 1975. By memorandum J. D. McKenzie to Mr. Finzel, dated 8/17/81, captioned "New Agents' Training Records, Freedom of Information - Privacy Acts (FOIPA)" approval was granted to destroy New Agents' Training Unit class books after retention of one year. Implementation is permitted in both instances pursuant to modifications to the preliminary injunction issued by Judge Harold H. Greene on 1/10/80.

Appropriate contact was made with [redacted] Manuals Desk, Administrative Services Division, on 8/25/81.

b6
b7C

CHANGED TEXT

MAOP, Part II, Section 2-4.5.9 (1), page 307, should be deleted and revised as follows:

(1) Field Support Account - Including cancelled checks, bank statements, check stubs, and bank passbooks. Destroy six years, three months, after period covered by account.

MAOP, Part II, Section 2-4.5.16 (11), page 312, should be inserted as follows:

(11) New Agents' Training Unit class books.

SAC MEMORANDUM

An SAC Memorandum has been prepared and is attached herewith.

66-04

Typed August 28, 1981

PERSONAL ATTENTION

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE:

RE: DESTRUCTION OF FIELD FILES AND RECORDS

The General Services Administration has authorized Federal agencies to apply the retention period of "six years, three months, after period covered by the account" for all General Accounting Office's (GAO) site audit records. Field offices were previously authorized to use the split retention period of ten years, three months, after period covered by account for records created prior to Fiscal Year 1976 (July 1, 1975), and six years, three months, after period covered by account for records created after Fiscal Year 1975 (June 30, 1975). GAO has now ruled that the "six-year" limitation applies to all site audit records, regardless of date. Field offices may, therefore, apply the newly authorized retention period to destruction of Field Support Account records.

66-3286
Modification to the preliminary injunction issued by Judge Harold H. Greene on January 10, 1980, permits the disposal of records of this nature.

Manual changes follow.

NOT RECORDED
26 SEP 14 1981

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 E2W/7PK

William H. Webster
Director

NOTE: Based on R. P. Finzel memorandum to Mr. Colwell, dated 8/31/81, captioned "Proposed Change in Manual of Administrative Operations and Procedures (MAOP)."

- 1 - 66-19198 (Manual of Administrative Operations and Procedures)
- 1 - 66-3286 Sub B (Destruction of Field Files and Records)
- 1 - Mr. Colwell
- 1 - Mr. Revell (Attn: Manuals Desk)
- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 - [] (RMD Control Folder)
- 1 - []

CMG:tfc (11)

b6
b7C

FEDERAL GOVERNMENT

Assistant Attorney General
Office of Legal Counsel

September 1, 1981

Assistant Director, Records Management Division
Federal Bureau of Investigation

FBI PARTICIPATION IN DISCOVERY IN THE KEARNEY
CASE AND THE GRAY, FELT, AND MILLER CASES

Bureau Property - General

The FBI has observed a moratorium on the destruction of files of a security nature since January 16, 1978, as a result of contact with Mary C. Lawton, former Deputy Assistant Attorney General, Office of Legal Counsel, in connection with the Kearney case. By letter dated April 12, 1978, Ms. Lawton advised former Deputy Associate Director John J. McDermott that an attempt would be made to limit the number of field office files involved in discovery in the Gray, Felt, and Miller cases in order to permit a normal destruction program in the field offices. No further action was taken in this regard and the restriction imposed by the Department has remained in effect.

As you are aware, the trial of former Associate Director W. Mark Felt and former Assistant Director Edward S. Miller commenced on September 15, 1980. Messrs. Felt and Miller were later convicted by jury, fined by the presiding judge, and later pardoned by President Reagan. The trial of former Acting Director L. Patrick Gray was severed from the Felt-Miller case in early 1979 and prosecution was dropped in December, 1980.

It now appears to be timely to request an official termination of this moratorium. While the pending action, "American Friends Service Committee, et al. v. William H. Webster, et al. (U.S.D.C., D.C.) Civil Action Number 79-1655," will continue to limit destruction of investigative records pending court approval,

Enclosures *2* ENCLOSURE

66-3286

- 1 - Mr. Mintz (Attn:)
1 - Mr. Finzel (Admin.)
1 - Mr. Scherrer
1 -

CMG:tfc (7)

MAILED 12

SEP - 2 1981

FBI

10 SEP 4 1981

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 ESW/gmk

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☒

Assistant Attorney General
Office of Legal Counsel

the National Archives and Records Service will now consider approval of requests for court-ordered file destruction pursuant to modified orders issued by Judge Harold H. Greene. Termination of the moratorium, established on January 16, 1978, will permit record destruction in these instances and will administratively remove a restriction which no longer serves a purpose.

NOTE: By teletype dated 1/16/78, all offices were advised to suspend all record destruction in security-related classifications for discovery in the Kearney case. By letter dated 4/12/78, Mary C. Lawton advised former Deputy Associate Director John J. McDermott that the Department would attempt to limit the field office files involved in discovery in the Gray, Felt, and Miller cases to permit normal destruction programs in most of the offices. No action was taken in this regard and the restriction remains in effect. We are requesting an end to this moratorium which no longer serves a useful purpose. Copies of referenced communications are attached for information.

<i>APPROVED:</i>	Adm. Servs. _____	Laboratory _____
	Crim. Inv. _____	Legal Coun. _____
Director _____		Off. of Cong. & Public Affs. _____
Exec. AD-Adm. _____	Ident. _____	Files & Com. _____
Exec. AD-Inv. _____	Inspection _____	Training _____
Exec. AD-LES _____	Intell. _____	

72

SPECIAL

TELETYPE

PRIORITY

UNCLASSIFIED

clear - make copy for your records

b6

b7c

1/16/78

HW - lost.

FM DIRECTOR

TO ALL SACS (PRIORITY) PERSONAL ATTENTION

ALL LEGATE (PRIORITY) PERSONAL ATTENTION

- 1 - Mr. McDermott
- 1 - Mr. Adams
- 1 - Mr. Bassett
- 1 - Mr. [unclear]
- 1 - Mr. Mintz

BT

C L E A R

DESTRUCTION OF FIELD FILES AND RECORDS.

DUE TO CERTAIN PENDING LITIGATION MATTERS, YOU ARE INSTRUCTED TO IMMEDIATELY SUSPEND FILE DESTRUCTION AND INDEX CARD PURGE AND DESTRUCTION IN ALL SECURITY RELATED CLASSIFICATIONS. SECURITY CLASSIFICATIONS ARE IDENTIFIED IN BUREAU LETTER TO ALL OFFICES DATED OCTOBER 28, 1977, CAPTIONED ABOVE. THIS RESTRICTION WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE.

BT

NOTE: Per Deputy Associate Directors McDermott and Adams.

JWA:pdh
(7)

*Discussed with Mary Lawton this date @ 6:25 pm
& advised McDermott @ 6:30 pm*

HNB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-24-82 BY 8P452W/BAK

66-3286-

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT

TO : John J. McDermott
Deputy Associate Director, FBI

DATE: Apr 4/12/78

FROM : Mary C. Lawton
Deputy Assistant Attorney General
Office of Legal Counsel

SUBJECT: FBI Participation in Discovery in the Kearney
and the Gray, Felt and Miller cases.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

FBI/DOJ

This memorandum will confirm our discussion of April 11, 1978 concerning the processing of FBI files and other materials in response to the discovery order in the Kearney case and in anticipation of discovery in the Gray, Felt and Miller cases.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 7/23/03 BY AUC 60290 DCE/DCS/ymw

In the interest of preserving a record of the work already done by the FBI in the Kearney discovery, the FBI should preserve a listing of materials which have already been reviewed and processed, as well as noting materials which have yet to be processed so that this work will not have to be duplicated. The FBI should also prepare an inventory of materials which it collected from sources other than official files, noting both the general content and the location where the material was found or the custodian of the material. "Leads" to additional material, not yet found and reviewed, should also be preserved so that further efforts to locate this material can be made if necessary.

I understand that the Bureau has already made arrangements to retrieve material previously furnished to Kearney defense counsel and that the Department will be notified when this is completed.

In anticipation of future discovery requests in connection with the Gray, Felt and Miller cases, the Bureau will keep a small staff together for the purpose of processing discovery requests. The discovery of such material is a virtual certainty--

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9-29-82 BY SP4 ESW/THK

66-3286-1367

ENCLOSURE

C

namely, the files relating to individuals against whom actions were taken that form the basis of the indictment. To the extent these files were not already processed, processing will continue using the same basis of redaction contained in the Kearney discovery order.

We also agreed that the moratorium on destruction of field office security files should be continued until such time as we determine what the scope of discovery will be in the Gray, Felt and Miller cases. The Department will attempt, however, to limit the field office files involved in discovery in those cases so that normal destruction can resume in most of the Offices.

We will do our best to see that the discovery in these cases is more limited than that ordered in the Kearney case.

cc:



Handwritten initials

b6

b7C

Assistant Attorney General
for Administration
Justice Management Division

September 2, 1981

FEDERAL GOVERNMENT

Assistant Director
Records Management Division

COURT ORDERED DISPOSITION OF OFFICIAL
RECORDS OTHER THAN CONTROLLED
SUBSTANCES ACT ORDERS

DESTRUCTION of BUREAU PROPERTY
GENERAL

This is in response to DOJ Order 2710 which establishes procedures for executing an order of the court to seal or expunge records when such an order is not covered by the Controlled Substances Act, 21 U.S.C., Section 844.

The Identification Division of the Federal Bureau of Investigation (FBI) has no policy for sealing arrest records and resolves the issue in favor of expungement. The Records Management Division has no policy to permanently seal records of the central records system, but has temporarily sealed records while awaiting final disposition authority.

Item 5c. of DOJ 2710 directs the responsible U.S. Attorney to transmit a certified copy of a court order to each individual, agency, or component which might maintain a record on the defendant. This procedure would defeat the purpose of the centralized concept. Direct contact between the U.S. Attorney and FBI Headquarters would be most suitable to insure that all involved field offices and Headquarters are cognizant of and in complete compliance with the order of the court.

NOTE: Referenced DOJ Order 2710 places responsibility on the U.S. Attorneys' Office for executing court orders to seal or expunge records unrelated to juvenile drug offenders and not specifically covered by 21 U.S.C., Section 844. We are advising the Department that the Identification and Records Management Divisions have

66-3286

66-3286-1367X

- 1 - Mr. Mintz (Attn: Mr. Blackburn)
- 1 - Mr. Stames (Attn: [redacted])
- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 - [redacted]

rec AD Inv. _____
rec AD Adm. _____
rec AD LES _____
sst. Dir. _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

ENCLOSURE

MAIL ROOM ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-24-82 BY SP4 E2W/gmk

SEP 13 1981

b6
b7C

Assistant Attorney General
for Administration
Justice Management Division

no policy to seal records and we would prefer direct
contact between Headquarters and the U.S. Attorney
to insure total compliance with the court order. This
matter has been coordinated with the Identification
Division. Copy of DOJ Order 2710 is attached for information.

Rut APPROVED:

Director _____	Adm. Servs. _____	Laboratory _____
Exec. AD-Adm. _____	Crim. Inv. _____	Legal Coun. _____
Exec. AD-Inv. _____	Ident. <i>[initials]</i>	Off. of Cong. & Public Affs. _____
Exec. AD-LEG _____	Inspection _____	Rec. Mgmt. <i>[initials]</i>
	Intell. _____	Tech. Servs. _____
		Training _____

DEPARTMENT
OF JUSTICE

Order

Subject:

COURT ORDERED DISPOSITION OF OFFICIAL RECORDS OTHER
THAN CONTROLLED SUBSTANCES ACT ORDERS

1. PURPOSE. This Order establishes the procedure to be followed for executing an order of the Court to seal or expunge records when such an order is NOT covered by the Controlled Substances Act, 21 U.S.C. Section 844.
2. SCOPE. This Order applies to all U.S. Attorneys' Offices, the Criminal Division, the U.S. Marshals Service, the Federal Bureau of Investigation, the Drug Enforcement Administration and the Justice Management Division.
3. DEFINITIONS.
 - a. Seal. Fastened up in any manner so as to be closed against inspection of its contents.
 - b. Expunge. To destroy, delete or obliterate; it implies not a legal act, but a physical destruction; to blot out; to efface designedly, to strike out wholly.
4. RESPONSIBILITY. The U.S. Attorneys' Office will be responsible for executing court orders to seal or expunge records unrelated to juvenile drug offenders and not specifically covered by 21 U.S.C. Section 844. The recipients of court orders directing sealing or expungement of official records not within their purview should forward such requests to the responsible U.S. Attorneys' Office.
5. FORM DOJ-XXX. Form DOJ-XXX, Court Ordered Disposition of Official Records will be used to initiate sealing or expungement of official records as directed by the court. This form will also provide a record that such action has been completed. Upon receipt of a certified copy of a court order to seal or expunge official records, the responsible U.S. Attorney shall:
 - a. Complete Part I - Defendant Information and Part II - Court Ordered Disposition of Form DOJ-XXX, Court Ordered Disposition of Records.

Distribution: OBD/USA/CRM/JMD/H-1
OBD/USA/F-2
BUR/USM/FBI/DEA/H-1

Initiated By: Justice Management Division
Records and Publications Staff

ALL FBI INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60290 BCE/bes/jmw

66-3286-1367X

- b. Seal or expunge records of the U.S. Attorneys' Office on the defendant as required by the court order.
 - c. Transmit a copy of Form DOJ-XXX and a certified copy of the court order to each individual, agency or component (Federal, State, or local) whom the Assistant United States Attorney knows or has reason to believe is maintaining a record on the defendant.
 - d. Ensure that all copies of Form DOJ-XXX, with Part III - Certificate of Disposition of Official Records completed on each, are returned.
 - e. Seal or expunge the original and all copies of Form DOJ-XXX, as required by the court order.
6. AVAILABILITY. Form DOJ-XXX, Court Ordered Disposition of Official Records shall be made available through the Department's warehouse facility.

KEVIN D. ROONEY
Assistant Attorney General
for Administration

Subject: Court Ordered Disposition of Official Records

To:

Date:

From:

PART I - DEFENDANT INFORMATION

Name: _____ Date of Birth: _____

F.B.I. No.: _____ DEA File No.: _____

U.S. Marshals No.: _____ Criminal No.: _____

U.S. Attorney Control Key No: _____

Date and Place of Offense: _____

Other Identification: _____

On the reverse side provide the name and address of each individual, or agency or component whom you have reason to believe is maintaining a record of the above case.

PART II - COURT ORDERED DISPOSITION

By Order of the United States District Court for the _____
_____ District of _____ dated _____
_____, ALL official records (headquarters and field
office) of the above named individuals shall be ☐ sealed /
☐ expunged. After appropriate action complete Part III of this
form and return it to the U.S. Attorneys' Office indicated above.
A certified copy of the court order is attached.

PART III - CERTIFICATE OF DISPOSITION OF OFFICIAL RECORDS

I hereby certify that records of _____
_____ Name
in the case of _____ and _____
_____ Title _____ Number
have been ☐ sealed / ☐ expunged pursuant to the above court
order.

66-3286-1367X

Date

Signature

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60290 BCE/DCG/jmw

Typed or printed name and title

Memorandum



b6
b7C



Subject

FEDERAL GOVERNMENT

Date

Proposed Change in Records Center Accessioning Policy

2 SEP 1981

To

DESTRUCTION OF BUREAU PROPERTY - CN

Bureau Records Officers

Vincent A. Lobisco
Assistant Director
Records Management
Records and Publications Staff

The National Archives and Records Service (NARS) has proposed a change to its current policy for accessioning agency records to its records center system. Please review the attached memorandum, dated August 27, 1981, and advise my office no later than September 8, 1981 of any adverse impact such a change would have on your records operations. We will prepare a

Departmental reply to NARS. Questions on this subject may be referred to

b6
b7C

[Redacted] of my staff at [Redacted]

Attachment

66-3286-1367X1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EFW/gmk

16 SEP 16 1981

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 60290 BCE/DCS/jmw

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EFW/gmk



August 27, 1981

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of recent budget cuts and severe space problems throughout the records center system, the Office of Federal Records Centers is re-examining its current accessioning policy. At present that policy allows us to accept all scheduled records with a retention period in the records centers of one year or more. The change we are considering would limit our accessions to those records that would remain in our centers at least three years before their scheduled disposal.

While this change would result in considerable savings to us by reducing the volume of our annual accessions by about 15%, it is felt that the impact on agencies should not be too severe. Data we have obtained from our NARS-5 computer system indicates that for most agencies, the annual volume is small, particularly when dispersed among many offices.

However, while this change could prove beneficial to NARS, we realize there may be factors of which we are unaware and this change therefore might have a negative impact on your own operation. Before we make a final decision we would like your comments on how your agency would be affected if this new policy is adopted. Please provide this information to us no later than September 15, 1981, so that your comments can become part of our determination of a future course of action.

If you have any questions or feel you need further information on this matter, please call me on

G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

b2

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 7/23/03 BY AUC 60290 BCE/bcg/ymw

66-3216-1367X1

ENCLOSURE 1

August 5, 1981

5. Agency action. Until a revision of GRS 1, item 21, is approved and announced, Federal agencies should suspend the disposal of all records described under that item.



EDWARD WELDON
Acting Archivist
of the United States

Assistant Attorney General
for Administration
Justice Management Division
Attn: Vincent A. Lobisco
Assistant Director, Records Management Division
Federal Bureau of Investigation

September 4, 1981

PROPOSED CHANGE IN RECORDS
CENTER ACCESSIONING POLICY

DESTRUCTION OF BUREAU PROPERTY - GENERAL

This is in response to your letter, dated September 2, 1981, with attachment, which requested comments regarding the proposed change in policy by the National Archives and Records Service which will require that records accessioned for storage in the records centers remain there for at least three years before their scheduled disposal.

The proposed policy will have no adverse effect on storage of Federal Bureau of Investigation records in the records centers.

NOTE: By letter dated September 2, 1981, Vincent A. Lobisco, Assistant Director, Records Management, Justice Management Division, requested comments regarding a proposed policy change which would limit accessions to the records centers to records requiring storage for at least three years. Attached letter, dated August 27, 1981, from G. N. Scaboo, Acting Assistant Archivist for Federal Records Centers, provided rationale for the proposed changes. FBI records stored at the Washington National Records Center are stored in excess of the proposed three-year minimum period and we are advising Mr. Lobisco that the policy change would have no adverse effect on our record transfers. Referenced communications are attached for information.

66-3286

- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 - [Redacted]

APPROVED:

But

Director

Exec. AD

Exec.

Exec. AD

Adm. Servs.

Crim. Inv.

Ident.

Inspection

Intell.

Laboratory

Legal Coun.

Off. of Cong. & Public Affs.

Rec. Mgmt.

Tech. Servs.

Training

CMG:tfc

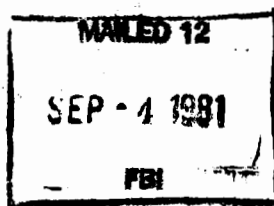
(5) *ang*

b6

b7C

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☐



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 E2W/8MR

Memorandum



Exec. AD Adm. _____
 Exec. AD Inv. _____
 Exec. AD LES _____
 Asst. Dir.: _____
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y. _____

To : Mr. Finzel *7/1/81*

Date 10/5/81

From : R. W. Scherrer *10/5/81*

Subject: **DISPOSITION OF EMPLOYEE MEDICAL RECORDS**

PURPOSE:

DESTRUCTION of Property-General
 The purpose of this memorandum is to record receipt of GSA Bulletin FPMR B-112, relating to individual employee health case files.

RECOMMENDATION:

None. For record purposes.

APPROVED: _____
 Director _____
 Exec. AD-Adm. _____
 Exec. AD-Inv. _____
 Exec. AD-LES _____
 Adm. Servs. *7/1/81* _____
 Crim. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Off. of Cong. & Public Affs. _____
 Rec. Mgnt. *7/1/81* _____
 Tech. Servs. _____
 Training _____

DETAILS:

GSA Bulletin FPMR B-112, dated 8/5/81 (copy attached), notifies Federal agencies that disposal of employee medical records has been suspended in view of conflicting retention periods established for the records. Additionally, the Interagency Task Group on Federal Employee Medical Records has recommended significant changes in the structure, maintenance, and disposition of the records.

My memorandum, dated 1/21/81, captioned, "Archival Authorization for Destruction of Bureau Records," provided the disposal schedule relating to General Records Schedule (GRS)#1 which was approved by the Archivist and permitted us to destroy employee medical records in accordance with disposition of the Official Personnel Folder (OPF). A revised retention period as noted in Item 3c. of attached bulletin, i.e., "duration of employment plus thirty (30 years)" could drastically effect disposition of the OPFs. Upon receipt of the approved revision, necessary adjustments will be made.

Enclosure

66-3286

1 - Mr. Revell (Attn: _____)
 1 - Mr. Finzel (Admin.)

1 - Mr. Andrews
 1 - Mr. Scherrer
 1 - _____

CMG:tfc (6)

b6
 b7C

ENCLOSURE

PERS. REC. UNIT

FBI/L

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EFW/gmt

50 NOV 11 1981

66-3286-1368
 OCT 13 1981

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

August 5, 1981

GSA BULLETIN FPMR B-112
ARCHIVES AND RECORDS

TO: Heads of Federal agencies

SUBJECT: Suspension of disposal of employee medical records
(General Records Schedule 1, item 21)

1. Purpose. This bulletin notifies agencies that the National Archives and Records Service (NARS) has temporarily withdrawn application of the disposition provisions of General Records Schedule (GRS) 1, item 21, relating to individual employee health case files.

2. Expiration date. This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. Background.

a. Executive Order 12196, issued to provide direction for the implementation of section 19 (Federal employee occupational safety and health programs) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), requires the head of each Federal agency to comply with all health and safety standards issued under section 6 as promulgated at 29 CFR 1910.

b. Section 3303a of title 44 U.S.C. makes application of the General Records Schedules, as approved by the Archivist of the United States, mandatory for all Federal agencies.

c. There is a conflict between 29 CFR 1910.20(d)(i), which provides that employee medical records "shall be preserved and maintained for at least the duration of employment plus thirty (30 years)," and the disposition standard for GRS 1, item 21, Individual Employee Health Case Files ("Destroy 6 years after last entry").

d. In addition, Interagency Task Group on Federal Employee Medical Records, jointly sponsored by the Office of Personnel Management (OPM) and the Department of Labor (DOL), has recommended significant changes in the structure, maintenance, and disposition of Federal employee medical records, which would render the current GRS standard insufficient.

4. NARS action. NARS will work with OPM and DOL to develop new descriptions and disposition instructions for employee medical records for inclusion in the GRS. A subsequent GSA bulletin will announce the approved revision.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60290 BCE/DCG/jmw

66-3286-1368

ENCLOSURE

Memorandum



FEDERAL GOVERNMENT

Subject

Proposed Change in Records Center
Withdrawal Policy

Date

17 SEP 1981

To

Bureau Records Officers

From

Vincent A. Lobisco
Vincent A. Lobisco
Assistant Director
Records Management
Records and Publications Staff
Justice Management Division

0 Destruction of Bureau Records - General

The National Archives and Records Service (NARS) has proposed

a change to its current policy for withdrawal of agency records

from the records center system. Please review the attached

memorandum, dated September 10, 1981, and advise my office no

later than October 2, 1981 of your views on this subject. We will

prepare a Departmental reply to NARS. Questions on this subject

may be referred to of my staff at

Attachment

b2
b6
b7C

66-3286-1369

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE *9/23/83* BY *AUC 140290 BCE/DCG/jmm*

*file in 66-3286
Box*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *9-21-82* BY *SP4 E24/ldk*

NOV 5 1981

*LET. TO
ASST. AG, JMD,
10/1/81. amf: rfc*

ENCLOSURE

NOV 1 1981

b6
b7C

4/15/82



General
Services
Administration

National Archives
and
Records Service

Washington, DC 20408

WEL 9/16
John - Action
Due to me 10/1/81

September 10, 1981

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Recently it was proposed to the Office of Federal Records Centers by the Office of Audits of the Inspector General, GSA, that we establish deadlines or limits on the amount of time agencies can retain entire cartons of records that are withdrawn from our records center system. We realize that this proposal could cause difficulties for agencies but, in order for us to be responsive to the recommendation, we would appreciate hearing from you concerning the advantages or disadvantages such a system might have for your agency. It was suggested in the report that agencies be required to return all withdrawn records in a period not yet established, but presumably not to exceed one year. We are aware of instances where records are withdrawn and needed for much longer periods of time. We also are aware of the fact that legal custody of the records in our records centers remains with the agency that created the records and that the imposition of such a deadline may present legal problems. In addition, extra paperwork and controls will be required at the records centers to monitor such a program. Disposition problems also could result if the records were retained beyond the "time limit" unless the record(s) is returned as a new accession. This, however, could create additional control (inventory) problems for agencies. ||

We would appreciate hearing from you concerning your thoughts about this proposal. Because we are working with a short deadline we would like to receive your response no later than October 9, 1981.

G. N. Scarbo
G. N. SCARBO
Acting Assistant Archivist
for Federal Records Centers

file in 66-3286
RW

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/83 BY AUC 101290 BCE/DCG/jmw

66-3286 — 1369
ENCLOSURE

FEDERAL GOVERNMENT

Assistant Attorney General
for Administration
Justice Management Division
Attention: Vincent A. Lobisco
Assistant Director, Records Management Division
Federal Bureau of Investigation

October 5, 1981

**PROPOSED CHANGE IN RECORDS
CENTER WITHDRAWAL POLICY**

Destruction of Bureau Records-

This will respond to your letter, dated September 17, 1981, with attachment, in which the National Archives and Records Service requested comments regarding proposed deadlines for returning entire cartons of agency records which have been withdrawn from the records centers.

The establishment of deadlines for withdrawn records would require no modifications to the current procedures of the Federal Bureau of Investigation.

NOTE: Based on letter from Vincent A. Lobisco, Justice Management Division, dated 9/17/81, with attached letter, dated 9/10/81, from G. N. Scaboo, National Archives and Records Service, which requested comments on a proposal to establish a time limit for which agency records may be withdrawn from the records centers. We are advising the Department that the proposal would not affect our current withdrawal procedures. This matter has been coordinated with the Voucher and Payroll Section, Administrative Services Division. Referenced communications are attached for information.

66-3286

- 1 - Mr. Revell (Attn: [redacted])
- 1 - Mr. Finzel (Admin.)
- 1 - Mr. Scherrer
- 1 - [redacted]

DE-62

CMG: tfc (6) V-63

APPROVED:

Director

Exec AD-Adm.

Exec AD-Inv.

Exec AD-LES

Adm. Servs.

Crim. Inv.

Ident.

Inspection

Intell.

Laboratory

Legal Coun.

Off. of Cong. & Public Affs.

Rec. Mgnt.

Tech. Servs.

Training

rec AD Inv. _____
rec AD Adm. _____
rec AD LES _____
1st. Dir. _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☒

NOV 18 1981

10/6/81

HWR

165
OCT 6 1981

b6
b7C

FBI/DOJ

Assistant Attorney General
Office of Legal Counsel

12/18/81

FEDERAL GOVERNMENT

Robert P. Finzel
Assistant Director, Records Management Division

**FBI PARTICIPATION IN DISCOVERY IN THE KEARNEY
CASE AND THE GRAY, FELT, AND MILLER CASES**

By letter dated September 1, 1981, with attachments,
I requested that consideration be directed toward administratively
terminating the moratorium on destruction of security-related
records which the Federal Bureau of Investigation has observed
since January 16, 1978, in response to captioned matter.

Completed copies of Request for Records Disposition
Authority (SF 115) have been submitted to the National Archives
and Records Service (NARS) for destruction of complete files
pursuant to court orders and to provisions of the Privacy Act of
1974 and we anticipate immediate approval. While the pending
status of the action "American Friends Service Committee, et al.
v. William H. Webster, et. al. (U.S.D.C., D.C.) Civil Action
Number 79-1655" would continue to prohibit destruction of
investigative files until final resolution of the case, Judge
Harold H. Greene has modified his original order of January 10,
1980, to exclude destruction of records related to court order
and the Privacy Act.

Your further consideration of this matter would be
appreciated. Relief from the moratorium would permit us to
take action on records which have been approved for disposal by
NARS and by the Court.

1 - Mr. Vincent M. Garvey
Civil Division

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-24-82 BY 804 E2W/4K**

NOTE: On 9/1/81, Department was initially requested to terminate
the moratorium on security-related records which was imposed on
1/16/78. We have received no response. We are again attempting
to seek termination of the moratorium in view of the proposed
approval of our disposal requests related to court orders and
Privacy Act requests.

66-3286

153

b6
b7C

- 1 - Mr. Mintz (Attn: [redacted])
- 1 - Mr. Finzel (Admin)
- 1 - Mr. Scherrer

1 - [redacted]
CMG:lcm(8)

DE-22

66-3286-1370X

NOTE: HAND CARRIED
TO DOT BY
RMD EMPLOYEE
12-18-81

JAN 12 1982

MAIL ROOM

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : DIRECTOR, FBI
(ATTN: RECORDS MANAGEMENT DIVISION,
RECORDS SYSTEM SECTION
SA ROBERT W. SCHERRER, SECTION CHIEF

DATE: 1/22/82

FROM: ~~xxx~~

SUBJECT: INFORMATION AND PRIVACY ACTS
LITIGATION UNIT, ROOM 3648
SA [REDACTED]

b6

b7C

FROM: SAC, PHOENIX (1-351)

Destruction of Bureau Property

SUBJECT: DESTRUCTION OR DISPOSITION OF
DOCUMENTARY EVIDENCE

No Los

Re Phoenix tel to Bureau, 12/11/81; Bureau tel to Phoenix 1/11/82; Phoenix tel calls to Bureau, 1/11/82, 1/21/82.

Enclosed for the information of the Bureau are two copies of legal memorandum of Assistant U.S. Attorney (AUSA) Mark E. Aspey on Rule 6 (e) Disclosure Orders.

Referenced teletypes addressed the problem of disposition of documentary evidence in Bureau cases to be referred to a state jurisdiction for prosecution and the orders issued by U.S. District Court Judge Harold H. Greene in the civil matter, "American Friends Service Committee, et al v. William H. Webster, et al".

Enclosures are being forwarded to the Bureau for information.

Y-1

DE-516-3286-1371

3- Bureau (Encs.)
1- Phoenix

ENCLOSURE ATTACHED

12 FEB 17 1982

ADB:ptp
(4)



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-24-82 BY SP4 E2W/gmk

SCHERRER
RECORDS SYSTEMS

b6

b7C

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNRECORDED COPY FILED IN 66-6034

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/23/63 BY AUC 60290 BCE/DCS/ymw

66-3286-1371

Memorandum



Subject Rule 6(e) Disclosure Orders

Date December 21, 1981

To All Fraud Section Attorneys

From Mark E. Aspey
Chief, Fraud Section

I. DISCLOSURE OF GRAND JURY MATERIAL GENERALLY.

The proceedings of the American grand jury have an established history of secrecy. The tradition of secrecy of the grand jury was originally controlled by the common law. In 1946, Rule 6(e) was adopted as a codification of existing law. The rule has been amended on numerous occasions, but the section dealing with court-ordered disclosures "preliminary to or in connection with judicial proceedings" has remained unchanged. Formerly Rule 6(e)(2)(C)(i), it is now Rule 6(e)(3)(C)(i). The common law and the rule reflect a general reluctance to grant disclosure to any party outside the Department of Justice. See, United States v. Johnson, 319 U.S. 503 (1943); United States v. Socony-Vacuum Co., 310 U.S. 150 (1940). If disclosure of grand jury material is desired, most courts require the party requesting disclosure to show that the disclosure meets 6(e) requirements. 1/ Having stated the general rule, its application under

1/ Rule 6(e), Fed.R.Crim.P., provides in pertinent part:

(3) Exceptions.

(A) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury, other than its deliberations and the vote of any grand juror, may be made to--

(i) an attorney for the government for use in the performance of such attorney's duty; and

(ii) such government personnel as are deemed necessary by an attorney for the government to assist an attorney for the government (cont'd next page)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AC 60290 BCE/DCS/jmw

a specific set of facts is much more difficult. As stated by the district court in United States v. Tager, 506 F.Supp. 707, 725 (D. Kan. 1979),

(cont'd)

in the performance of such attorney's duty to enforce federal criminal law.

(B) Any person to whom matters are disclosed under subparagraph (A)(ii) of this paragraph shall not utilize that grand jury material for any purpose other than assisting the attorney for the government in the performance of such attorney's duty to enforce federal criminal law. An attorney for the government shall promptly provide the district court, before which was impaneled the grand jury whose material has been so disclosed, with the names of the persons to whom such disclosure has been made.

(C) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made--

(i) when so directed by a court preliminary to or in connection with a judicial proceeding; or

(ii) when permitted by a court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury.

If the court orders disclosure of matters occurring before the grand jury, the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct.

But see, In re Special February, 1975 Grand Jury, 652 F.2d 1302, 1305 (7th Cir. 1981), where the court indicated:

The court in rare situations may have some discretion to slip entirely around Rule 6(e) and permit disclosure, but that discretion in any event is strictly limited. In In re Biaggi, 478 F.2d 489 (2d Cir. 1973), disclosure determined to be in the 'public interest' was affirmed, one judge dissenting, despite a finding that the disclosure could not be justified by any Rule 6(e) exception.

See also, United States v. B. F. Goodrich Co., 619 F.2d 798 (9th Cir. 1980), holding that § 4F(b) of the Clayton Act, 15 U.S.C. 15f(b) amends Rule 6(e) and permits disclosure of grand jury materials to State Attorney Generals in anti-trust cases without a showing of particularized or compelling need. Other circuits have held to the contrary. In re State of Illinois Petition to Inspect and Copy Grand Jury Materials, ___ F.2d ___ (7th Cir., Sept. 16, 1981) 50 LW 2193.

See also, United States v. Penrod, 609 F.2d 1092, 1097 (4th Cir. 1979), where the court stated:

Documents produced pursuant to a grand jury subpoena remain the property of the person producing them, and they may be revealed to persons other than the grand jury and the prosecuting attorneys only upon the consent of the owner of the documents or upon a court order. United States v. Interstate Dress Carriers, Inc., 280 F.2d 52, 54 (2d Cir. 1960). [Footnote omitted].

"The law in this area may be characterized as troublesome at the very best".

A. Attorneys for the Government.

The first sentence of Rule 6(e)(3)(A) allows for disclosure of grand jury materials to an attorney for the government, without an order from the district court, for use in the performance of that attorney's duty. The term "attorneys for the government" is defined by Rule 54(c) as "...the Attorney General, an authorized assistant of the Attorney General, a United States Attorney, an authorized assistant of a United States Attorney...". Therefore, attorneys for federal administrative agencies and state officials cannot obtain disclosure under this section. 2/ Although unsettled, it is possible disclosure can be made under this section to both civil and criminal United States Attorneys in certain circumstances. 3/ The major restriction

2/ See, e.g., In re Grand Jury - J. R. Simplot Co., [1977] U.S. Tax Cas. (CCH) ¶9146 (1976), withdrawn as moot on other grounds, [1977] U.S. Tax Cas. ¶9511 (9th Cir. 1977) (stating that IRS personnel did not qualify as "attorneys for the government"); In re Grand Jury Investigation, 414 F.Supp. 74 (S.D.N.Y. 1976) (stating that SEC lawyers did not qualify as "attorneys for the government"); United States v. Downey, 195 F.Supp. 581 (S.D. Ill. 1961) (stating that State Attorney General did not qualify as "attorney for government"); In re 1979 Grand Jury Proceedings, 479 F.Supp. 93 (E.D.N.Y.) ("attorney for the government" does not include attorneys for state and local governments); see also, In re Miami Federal Grand Jury No. 79-8, 478 F.Supp. 490 (S.D. Fla. 1979); In re Grand Jury Proceedings, 29 F.R.D. 151 (E.D. Pa. 1961), aff'd, 309 F.2d 440 (3d Cir. 1962) (denying "attorney for the government" status to FTC attorneys).

3/ See, In re Grand Jury, 583 F.2d 128 (5th Cir. 1978) (stating that "attorneys for the government" include United States Attorneys in both civil and criminal divisions). But see, In re Grand Jury, September 20, 21, 22 and 25, 1967, 82 F.R.D. (N.D.W. Vir. 1979); Capital Idem. Co. v. First Minn. Const. Corp., 405 F.Supp. 929, 932 (D. Mass. 1975), and In re Grand Jury Investigation; Sells, Inc. v. United States, 642 F.2d 1184 (9th Cir., April 2, 1981) (a petition for rehearing en banc is pending), to the contrary.

on disclosure to an attorney for the government is that the grand jury process cannot be used as a subterfuge to prepare for civil litigation. 4/

B. Government Personnel.

Rule 6(e) also allows for disclosure of grand jury material without an order from the district court to such "government personnel as they deem necessary to facilitate the performance of their duties relating to criminal law enforcement". Although the rule appears liberal, care should be utilized when disclosing under this section. Arguably, attorneys for the government may be required to show there is a need for special assistance from federal agencies outside the Department of Justice. 5/

The exact scope of what constitutes "government personnel" is somewhat open to debate. In two district court opinions, decided within two

4/ In re J. R. Simplot Co., supra at n. 4. See, generally, United States v. Proctor & Gamble Co., 356 U.S. 677, 689 (1958); In re April 1956 Term Grand Jury, 239 F.2d 263, 271-272 (7th Cir. 1956); Capital Indem. Corp. v. First Minn. Const. Co., supra at n. 5. The fact that an indictment was returned by the grand jury is sufficient to show good faith on the part of the government. See, United States v. Morton Salt Co., 216 F.Supp. 250 (D. Minn. 1962), aff'd, 382 U.S. 44 (1965). However, failure of the grand jury to return an indictment is not evidence of lack of good faith. United States v. Proctor & Gamble Co., 356 U.S. 677, 683 (1958); Petition of United States for 27 Enclosures Etc., 518 F.Supp. 163 (E.D. Wis. 1981).

5/ See, generally, In re J. R. Simplot Co., supra at n. 4 (suggesting government must show need for IRS personnel assistance) and Administrative Agency Access to Grand Jury Materials, Columbia Law Review, Vol. 75:162 (1975).

But see also, United States v. Tager, 506 F.Supp. 707, 716 (D. Kan. 1979), reversed on other grounds, United States v. Tager, 638 F.2d 167 (10th Cir. 1980), where the district court and the appellate court indicated that Rule 6(e) contemplated assistance to the grand jury from any required federal agency. The district court opinion indicated:

In his explanation to the House Subcommittee on Criminal Justice, Professor LaFave stated that the Amendment:

'is intended to make it clear that Rule 6(e) does not forbid United States attorneys to make use of other government personnel, such as employees of administrative agencies and government departments, when such outside expertise is necessary'. [Emphasis added].

months of each other, the exact opposite conclusions were reached on nearly the same facts. In In re 1979 Grand Jury Proceedings, supra, the court held that the term "government personnel" was not confined to federal employees and encompassed municipal employees assisting the federal grand jury. Yet, in In re Miami Federal Grand Jury No. 79-8, supra, the court held that state law enforcement officers were not "government personnel" under Rule 6(e)(3)(A)(ii) and the court could not authorize disclosure in order to assist the grand jury. (The court also refused disclosure under Rule 6(e)(3)(C)(i)). In accord, In re Grand Jury Proceedings, 445 F.Supp. 349 (D.R.I. 1978); In re Grand Jury Proceedings, 580 F.2d 13 (1st Cir. 1978); United States v. Tager, supra. 6/

6/ But see, United States v. Stanford, 589 F.2d 285 (7th Cir. 1978), where the circuit court indicated court-ordered disclosure to state personnel in order to assist the grand jury was authorized under the "in connection with" or "preliminary to" language of Rule 6(e). The ultimate adoption of this view in other circuits is somewhat doubted in light of Rule 6(e)'s legislative history. In United States v. Tager, supra, the district court indicated:

Discussion in the legislative history clearly indicates that 'government personnel' embraces only federal agency employees.

* * *

Every example cited in the deliberations on the amended rule embraced solely officials of United States governmental agencies,...

506 F.Supp. 716.

The possibility of permitting non-government personnel to assist the government attorney in work before the grand jury was expressly investigated and considered by the Advisory Committee that drafted that (2)(A) language ultimately adopted by the Senate. The amended (2)(A) language was specifically designed not to embrace that possibility. Professor LaFave, Reporter for the Advisory Committee, explained his understanding to the House Subcommittee on Criminal Justice during questioning by Representative Mann:

'Mr. Mann: Along that same line, the rule seems to restrict to other Government personnel the experts--and I will use that term loosely--that the attorney for the Government may call upon.

We have a pretty big Government with a lot of experts but on certain matters there may not be a governmental employee who is expert in that field. Is it your intention not to permit the prosecutor to call in an astrologer or astronomer, for example?
(cont'd next page)

(cont'd)

Prof. LaFave: Yes, that is correct.

Apparently representatives of the Justice Department whom we talked to about this particular problem did not seem to think that was a problem, in other words, that there was an occasion when they would need an expert and couldn't find the astrologer some place in the Federal Government. Apparently, that is not the problem'.

Hearings on Proposed Amendments, supra, at 92. (Emphasis added).

Had the Advisory Committee or the Committee on Rules and Practice intended to authorize disclosure to persons such as House, they could have easily deleted the word 'Government' from 'Government personnel'. Additionally, Congress gave the proposed amendments considerable attention because of its 'great concern' with the alteration of a rule that 'touch[ed] upon the basic function of the grand jury system'. 123 Cong. Rec. H3223 (daily ed. July 27, 1977); 123 Cong. Rec. H7868 (daily ed. July 17, 1977) (remarks of Rep. Mann). Apprised of the contemplated breadth of 2(A), Congress could have altered it with little effort. This Court must conclude that Congress intended that the scope of the 2(A) secrecy exception go no further than to federal personnel who assist in the preparation of the grand jury investigation. Non-governmental personnel may not be given access to grand jury material under this subsection, regardless how essential the government attorneys might consider that assistance to be.

506 F.Supp. 717. (Emphasis added).

This Court so acts not without great hesitation. The government's actions here apparently represent a new policy adopted by the Department of Justice to utilize non-governmental personnel in complicated cases. This Court is not unsympathetic to the potential need for that assistance in difficult cases. Nor is this Court unmindful of the potential difficulties that the constraints of Rule 6(e) may create in those cases. As the Seventh Circuit stated in United States v. Stanford, supra, 589 F.2d at 293:

'[O]ur acceptance of [defendants' contentions] could substantially nullify, particularly in a case of any complexity, one of the basic purposes of this [grand jury] body, that of thorough, knowledgeable investigation of the matters before it. This group of lay persons should not be locked into a position which lacks full comprehension of the factual situations as to which they are inquiring'.

This Court is left troubled that the Department of Justice, dissatisfied with the provision for 'assisting personnel' granted it by Congress, now seeks to circumvent that limitation through application to the courts. The Advisory Committee drafted the new Rule 6(e) in order to provide for this very type of disclosure. It did so only after consideration of this problem in light of comments from the bench and bar and, not insignificantly, after apparent consultation with Department of Justice sources. Congress gave great thought to this matter and was informed of the positions of both the Advisory Committee and the Department of

(cont'd next page)

As for private individuals assisting the grand jury, even with a court order, such a procedure is violative of Rule 6(e). United States v. Tager, supra (I.C.P.I. investigator assisted grand jury under court order).

C. Preliminary to or in Connection With
Judicial Proceedings.

If disclosure cannot be made under the Rule 6(e)(3)(A) exceptions, then a court order might be sought to obtain disclosure under Rule 6(e)(3)(C)(i). To obtain disclosure of grand jury material under this section, the government must first demonstrate to the court that the disclosure is "preliminary to or in connection with a judicial proceeding". In addition, the government must generally show a compelling and particularized need for the disclosure. ^{7/} Although when dealing with documents, as opposed to grand jury testimony, the degree of proof is less and the documents may not even come within the purview of Rule 6(e). SEC v. Everest Management, 87 F.R.D. 100, 105 (S.D.N.Y. 1980). In some instances, documents have been disclosed to agencies when sought for their own intrinsic value and where they do not disclose what occurred "before the grand jury". See, Securities and Exchange Commission v. Dresser Industries, 628 F.2d 1368 (D.C. Cir.), cert. denied, 101 S.Ct. 529 (1980); United States v. Interstate Dress Carriers, Inc., 280 F.2d 52 (2d Cir. 1960); Capitol

(cont'd)

Justice. If Congress has so recently considered this very situation and has chosen not to provide for the requested disclosure, this Court should be most reluctant to do so. Legislating a new exception to the requirement of grand jury secrecy so recently following the Congressional treatment of the subject should require some degree of judicial trepidation. The House Committee's foreboding that the new rule might lead to further unclarity on the subject has perhaps become a reality.

506 F.Supp. at 726.

^{7/} Pittsburgh Plate Glass Co. v. United States, 360 U.S. 395 (1959).

Indemnity Corp. v. First Minn. Construction Co., 405 F.Supp. 929 (D. Mass. 1975).

1. Judicial Proceedings Defined.

There are a variety of interpretations of the term "judicial proceeding". The most widely accepted definition seems to be that of Judge Learned Hand in Doe v. Rosenberry, 255 F.2d 118 (2d Cir. 1958). Doe held:

[T]he term 'judicial proceeding' includes any proceeding determinable by a court, having for its object the compliance of any person, subject to judicial control, with standards imposed upon his conduct in the public interest, even though such compliance is enforced without the procedure applicable to the punishment of the crime.

Id. at 120.

This liberal definition allows for many administrative procedures to fit within Rule 6(e), and explains the expanding interpretation of "judicial proceedings" to include a wide range of federal, state, and local proceedings. 8/ An excellent summation of such proceedings and the legislative history of Rule 6(e) can be found in the district court's opinion in United States v. Tager, supra.

Caselaw generally supports the inclusion of state proceedings within the term "judicial proceeding" rather than limiting the term merely to federal proceedings. 9/ There is also wide acceptance for the inclusion of

8/ A wide range of proceedings have been found to satisfy the 6(e) judicial proceedings requirement. See, Matter of Disclosure of Testimony Before the Grand Jury, 580 F.2d 281 (8th Cir. 1978) (allowing disclosure to municipality, bar association, and state commission inquiring into the conduct of judges); In re Special February 1971 Grand Jury v. Conlisk, 490 F.2d 894 (7th Cir. 1973) (allowing disclosure to a police board of inquiry); Doe v. Rosenberry, supra (allowing disclosure to grievance committee of a bar association). But see, In re Holovachka, 317 F.2d 834 (7th Cir. 1963) (denying disclosure to State Attorney General for disbarment proceeding); and United States v. Sobotka, ___ F.2d ___ (2d Cir. 1980) 48 LW 2779 (denying disclosure to bar committee for disciplinary proceedings).

9/ In re Miami Federal Grand Jury No. 79-8, supra; United States v. Tager, supra.

civil cases within the scope of "judicial proceeding". 10/ However, even with this liberal interpretation, general administrative agency investigations probably do not satisfy the "judicial proceeding" requirement. 11/

2. Compelling or Particularized Need.

Rule 6(e) empowers a judge, within his discretion, to allow disclosure where there is a showing of compelling or particularized need for the grand jury material which outweighs the general policy of secrecy. 12/ This particularized need must be shown in detail in each individual case. 13/ Once a compelling, particularized need is shown, it is then balanced against the reasons for secrecy which are: (1) to prevent the accused from escaping before indictment or arrest; (2) to prevent tampering with the grand jury witnesses; (3) to insure freedom to the grand jury in its deliberation and prevent people from importuning the grand jurors; (4) to encourage witnesses to speak freely; and (5) to protect the accused who has not been indicted. 14/ By this process of balancing, the judge can determine whether the need outweighs the reasons for secrecy, making disclosure appropriate.

10/ See, e.g., Allis Chalmers Mfg. Co. v. City of Fort Pierce, Florida, 323 F.2d 233 (5th Cir. 1963); In re Minkoff, 349 F.Supp. 154 (D.R.I. 1972).

11/ See, In re Grand Jury Proceedings, 309 F.2d 440 (3d Cir. 1962) (stating that investigations by a federal agency preliminary to ex parte administrative proceedings were excluded under 6(e)). A later case from the Seventh Circuit indicated general investigations were included if there would be "ultimate resort to the courts". Sepcial Feb. 1971 Grand Jury v. Conlisk, supra at n. 13.

12/ Pittsburgh Plate Glass Co. v. United States, supra at n. 10; United States v. Proctor & Gamble Co., supra at n. 6.

13/ State of Texas v. United States Steel Corp., 546 F.2d 626 (5th Cir. 1977), cert. denied, 434 U.S. 889 (1977).

14/ United States v. Amazon Ind. Chem. Corp., 55 F.2d 254 (D. Md. 1931) (first expounding reasons). See, United States v. Proctor & Gamble Co., supra at n. 6 (quoting with approval the Amazon reasons); United States Industrial, Inc. v. United States District Court, 345 F.2d 18 (9th Cir. 1965) (citing and applying Amazon reasons).

One of the most important factors in the balancing process is whether the grand jury is still in session or whether it has been dismissed. The rationale for secrecy is at its highest when the grand jury is still in session so that only the most compelling necessity would outweigh the secrecy policy. 15/

a. Grand Jury in Session.

Generally, there is great reluctance by courts to authorize disclosure while the grand jury is still in session. Not only do all five reasons for grand jury secrecy apply, but the Ninth Circuit seems particularly worried about the use of the grand jury by agencies for civil discovery purposes. 16/ The only way to defeat the secrecy policy is to express and show a strong, compelling, particularized need to disclose the grand jury material. In re Grand Jury Proceedings, 483 F.Supp. 422 (E.D. Pa. 1979), dealt with a request by a state attorney for disclosure while the grand jury was in session. The court found the state had failed to show a particularized need. Id. at 424. The court in In re Miami Federal Grand Jury No. 79-8, 478 F.Supp. 490 (S.D. Fla. 1979), also refused to allow disclosure to Florida Department of Public Safety officials while the grand jury was in session. According to the court, the government failed to make the requisite showing. In denying disclosure, the court reiterated the

15/ In re Miami Federal Grand Jury No. 79-8, 478 F.Supp. 490 (S.D. Fla. 1979).

16/ In re J. R. Simplot Co., supra at n. 4. Judge Hufstedler stated that Congress had given the IRS the investigative tools it believed necessary to protect the public. Lack of IRS access to grand jury material in Rule 6(e) was seen as indicative of lack of necessity for such material. While there are at least certain "guidelines" available for most forms of 6(e) disclosures, once IRS becomes involved, the type of disclosure permitted is almost impossible to determine. In re Special February 1975 Grand Jury, 652 F.2d 1302 (7th Cir. 1981); In re December 1974 Term Grand Jury Investigation, 449 F.Supp. 743 (D. Md. 1978).

Supreme Court's mandate that disclosure should be made "discretely and limitedly". 17/

An argument which might prove successful in obtaining disclosure while a grand jury is in session is that there is a strong need to protect the public. Many agencies and public officers are charged with a specific duty to protect the public from civil and criminal violations of law. Although the court has an interest in protecting grand jury secrecy, it often has an equal or larger interest in expeditiously remedying civil violations. 18/ The request for disclosure should also stress that the grand jury was not a subterfuge for civil discovery, but was engaged in a legitimate criminal investigation. 19/

b. Grand Jury Dismissed.

Once the grand jury has concluded its business and been dismissed, there is greater latitude in allowing 6(e) disclosures. Basic support in favor of disclosure comes from the Supreme Court in United States v. Coony-Vacuum Oil Co., 310 U.S. 150 (1940), where the Court stated that "after the grand jury's functions are ended, disclosure is wholly proper where the ends of justice require it". Id. at 234. This "ends of justice" standard still requires a showing of particularized need, relevancy to the existing proceeding, and a balancing process to show that need for the material outweighs the reasons for secrecy.

After the grand jury is dismissed, most of the reasons for secrecy no longer exist or exist with less urgency, thus, the argument in favor of

17/ United States v. Proctor & Gamble Co., 356 U.S. 677, 683 (1958).

18/ See, e.g., SEC v. Gilbert, 79 F.R.D. 683 (S.D.N.Y. 1978) (stating that public has interest in quickly remedying civil securities violations).

19/ See, In re December 1974 Term Grand Jury Investigation, 449 F.Supp. 743 (D. Md. 1978) (stressed importance of showing legitimate criminal investigation whether grand jury in session or dismissed).

disclosure becomes less burdensome. However, the court has recently admonished that even after the grand jury has concluded, district courts should consider not only effects upon the particular grand jury, but also possible effects upon the functioning of future grand juries. 20/ Therefore, although it is easier to obtain disclosure of grand jury material after the grand jury has concluded, it still must be shown through a request for a 6(e) order that there is a compelling need and the ends of justice require disclosure. 21/

D. Right to Financial Privacy Act.

Under the Right to Financial Privacy Act, 12 U.S.C. 3401, et seq., the government is strictly limited concerning the uses to which an individual's financial record can be put even when subpoenaed by a grand jury. Title 12 U.S.C. § 3420 provides:

Financial records about a customer obtained from a financial institution pursuant to a subpoena issued under the authority of a Federal grand jury--

(1) shall be returned and actually presented to the grand jury;

(2) shall be used only for the purpose of considering whether to issue an indictment or presentment by that grand jury, or of prosecuting a crime for which that indictment or presentment is issued, or for a purpose authorized by rule 6(e) of the Federal Rules of Criminal Procedure;

(3) shall be destroyed or returned to the financial institution if not used for one of the purposes specified in paragraph (2); and

(4) shall not be maintained, or a description of the contents of such records shall not be maintained by any Government authority other than in the sealed records of the grand jury, unless such record has been used in the prosecution of a crime for which the grand jury issued an indictment or presentment

20/ Douglas Oil Co. v. Petrol Stops Northwest, 441 U.S. 211 (1979).

21/ See, In re Grand Jury Proceedings, 309 F.2d 440 (3d Cir. 1962) (disclosure not allowed after grand jury had returned indictment because material was sought by FTC in aid of administrative investigation. Court stated that judge's discretion should not allow disclosure unless it is "persuasively shown that the ends of justice require it"). Id. at 444.

or for a purpose authorized by rule 6(e) of the Federal Rules of Criminal Procedure.

(Emphasis added). Fortunately, under 12 U.S.C. 3420(2), the Act specifically indicates that Rule 6(e) preempts the Act and, if the Rule 6(e) disclosure is proper, it will be proper under the Act.

E. Remedy for Improper Disclosure.

Although it is certainly inadvisable, in some cases the government has disclosed grand jury materials without complying with Rule 6(e). This failure to comply has not always required dismissal of an indictment in the absence of a showing of abuse. 22/ In determining the proper remedy for failure to comply with 6(e), a court might consider whether the defendant's rights had been substantially impaired or whether the integrity of the grand jury had been impugned. United States v. Malatesta, supra at 754.

The most obvious remedy for a violation of 6(e), as set forth in 6(e) (2), is a citation for contempt of court. 23/ The Ninth Circuit supported such a sanction recently in United States v. Stone and United States v. Weber, Nos. 78-2882 and 78-2838 (9th Cir., Dec. 10, 1979). In deciding whether the presentation to a grand jury of testimony elicited before another grand jury required dismissal of the indictment, the court looked at whether the second grand jury had been misled or significantly deceived. Id. In United States v. Hoffa, 349 F.2d 20 (6th Cir. 1965), and United States v. United States Court for the Southern District of West Virginia, 238 F.2d 20 (6th Cir. 1965), both courts stated that unauthorized disclosure could be punished by contempt citations, but that dismissal of the indictments would

22/ See, United States v. Malatesta, 583 F.2d 748 (5th Cir. 1978) (presentation to grand jury of transcript of testimony before another grand jury without a 6(e) order was not grounds for dismissing indictment).

23/ A knowing violation of Rule 6 may be punished as a contempt of court.

not be justified. United States v. Hoffa, supra, n. 37 at 43. However, although Rule 6 suggests punishment by contempt citation, the rule does not require such a remedy merely stating "may". Therefore, if disclosure is made to an agency or official without a 6(e) order, there can be no guarantee as to the type of remedy a court, particularly the Ninth Circuit, might impose.

II. DISCLOSURE OF GRAND JURY MATERIAL TO STATE AUTHORITIES FOR STATE CRIMINAL PROSECUTIONS.

Although there is little appellate law on the subject, it would appear that a persuasive argument can be made that it is within the discretion of the district court to disclose to state and local authorities under the auspices of Rule 6(e)(3)(C)(i) federal grand jury material where the purpose of the disclosure is ultimately to be state or local criminal prosecution. During the congressional amendment process of Rule 6(e), Congressman Wiggins of the House Judiciary Committee indicated:

There will come a time when a grand jury uncovers violations of civil laws, or state or local laws. It then becomes the duty of the attorney for the government, if he or some other attorney for the government cannot act on that information, to turn it over to the appropriate governmental agency so that such agency can do its duty. However, the attorney for the government may do this only after successfully seeking an order of the court.

123 Cong. Rec. 15196 (1977).

Consistent with the above statement, one district court has gone so far as to hold that:

...Indeed, it would be improper to withhold evidence of an alleged violation of state law from state prosecutors. See, In re Petition for Disclosure of Evidence, etc., 184 F.Supp. 38 (E.D. Va. 1960). Cooperation between state and federal prosecutions in the public interest is to be encouraged, not discouraged.

In the Matter of the Grand Jury 1974, Misc. No. 127, 337 F.Supp. 1282, fn. 1 (W.D. Okla. 1974).

The difficulty with most district court decisions authorizing 6(e) disclosures to state and local authorities is that they have no authority supporting their conclusions. In In re 1979 Grand Jury Proceedings, 479 F.Supp. 93, 96 (E.D.N.Y. 1979), and In the Matter of the Grand Jury 1974, Misc. No. 27, supra, both district courts held it was perfectly proper for the court to disclose under Rule 6(e) grand jury materials to state and local authorities for their review to determine whether state or local criminal prosecutions were warranted. In both instances, there were no objections from the United States Attorneys. In In the Matter of Petition for Disclosure of Evidence for the October 1959 Grand Jury of the Court, 184 F.Supp. 38 (E.D. Va. 1960), the district court permitted disclosure of grand jury material to the Commonwealth's prosecuting attorney for review and ultimate criminal prosecution over the objection of the United States Attorney. The court did indicate though that disclosure would not be permitted until the United States Attorney had completed his utilization of the evidence. 24/

As indicated previously, some of the courts' hesitancy in revealing grand jury matters to state and local authorities centers upon whether the grand jury is still in session and whether actual testimony or documents were sought to be disclosed. As to the grand jury still being in session, the court in In re Grand Jury Proceedings, 483 F.Supp. 422, 424 (E.D. Pa. 1979), expressed its concern as follows:

A federal court does have an obligation to cooperate with state officials in the proper enforcement of state law, but the court must balance the great interest in

24/ To be contrasted with these holdings is the case of In re Miami Federal Grand Jury No. 79-8, supra, where the district court held there was no federal policy of permitting disclosure to state officials notwithstanding the fact that Rule 6(e)(3)(C)(i) did contemplate in some instances referral of grand jury matters for state proceedings. The case was cited with approval in United States v. Tager, supra. See also, In re Grand Jury Proceedings, 483 F.Supp. 422 (E.D. Pa. 1979).

grand jury secrecy against the goal of a just result in a possible state judicial proceeding.

In the exercise of judicial discretion, it makes a difference if the material sought is that of a federal grand jury no longer in existence or that of an on-going investigation and the target is still the subject of federal grand jury consideration.

Likewise, if we are seeking to disclose merely documentary evidence, the "law of the Seventh Circuit" as set forth in Securities and Exchange Commission v. Everest Management Corp., 87 F.R.D. 100, 105 (S.D.N.Y. 1980) is extremely relevant:

A request for grand jury documents evokes different, and less exacting, considerations than a request for transcripts of grand jury testimony. Illinois v. Sarbaugh, 552 F.2d 768, 772 n. 2 (7th Cir.), cert. denied, 434 U.S. 889, 98 S.Ct. 262, 54 L.Ed.2d 285, 291 (7th Cir. 1978), cert. denied, 440 U.S. 983, 99 S.Ct. 1791, 60 L.Ed.2d 294 (1979). Documents produced to the grand jury do not intrinsically reveal what transpired in the grand jury room. This reasoning has led some courts to comment that documents may not fall within the ambit of rule 6(e)'s secrecy requirement. United States v. Weinstein, 511 F.2d 622, 627 n. 5 (2d Cir.), cert. denied, 422 U.S. 1042, 95 S.Ct. 2655, 45 L.Ed.2d 693 (1976); In re Grand Jury Investigation of Ven-Fuel, 441 F.Supp. 1299, 1303 (M.D. Fla. 1977). The more prevalent view, and the one opted for by this court, is expressed in United States v. Interstate Dress Carriers, Inc., 280 F.2d 52, 54 (2d Cir. 1960); 'Documents as well as oral testimony of course may come within rule 6(e)'s proscription against disclosure'. Emphasis is placed on the purpose for which grand jury documents are sought. Disclosure is appropriate where documents are sought to further legitimate purposes in connection with lawful investigations or judicial proceedings. See, e.g., Interstate Dress Carriers, Inc., supra, 280 F.2d at 54 (disclosure to further lawful agency investigation); United States v. Saks & Co., 426 F.Supp. 812, 815 (S.D.N.Y. 1976) (same). Capitol Indemnity Corp. v. First Minnesota Construction Co., 405 F.Supp. 929, 931 (D. Mass. 1975) (disclosure to further discovery in civil litigation).

III. AMERICAN FRIENDS SERVICE COMMITTEE v. WEBSTER,
(U.S.D.C., D.C. CIVIL NO. 79-1655).

The maintenance and disposal of records of the United States Government is controlled by a series of laws codified in Title 44 of the United States Code. The Archivist of the United States under the administrative direction of the General Services Administration has overall responsibility for the management and disposal of all governmental records. The duties of the Archivist and those of the various agencies which generate, collect, maintain, and dispose of records are set forth in the Archival Administration Act, 44 U.S.C. § 2101 et seq.; the Records Management by Federal Agencies Act, 44 U.S.C. § 3101 et seq.; the Disposal of Records Act, 44 U.S.C. § 3301 et seq.; and various regulations promulgated pursuant to these laws. These statutes contemplate and require the preservation of a multitude of categories of records. The Archivist is charged by law with the duty to establish records management standards, procedures, and guidelines, as well as the more specific responsibility to set standards for the selective retention of records of continuing "historical value". He must also promulgate procedures for the disposal of records authorized to be destroyed and the various federal agencies, in turn, are required to cooperate with the Archivist in applying these standards, procedures, and techniques.

An action was brought before the District Court for the District of Columbia (Judge Harold H. Greene) pursuant to these statutes by a number of individuals and organizations who claimed that the FBI's record destruction program violated the above congressional mandates and interfered in a number of respects with the plaintiffs' rights and interests. The defendants to the civil action were the officials of the National Archives and Records Service (NARS) and the FBI. The Department of Justice is

defending the matter. Due to an extremely lengthy history of abuse by the FBI, 25/ the district court held that an injunction would be issued requiring the Archivist with the assistance of the FBI to formulate a retention plan for the FBI's records meeting all statutory standards and requiring the FBI to formulate records control schedules consistent with the law. The court further ordered that, until the plan was submitted to the court for its approval, any further destruction of FBI records would be halted. The proposed destruction plan was to be submitted to the court within ninety days. American Friends Service Committee v. Webster, 485 F.Supp. 22 (D. D.C., Jan. 10, 1980).

Shortly after issuance of the injunction, the government requested and was granted exemption from the ban on destruction of certain classes of records such as National Crime Information Center entries, fingerprint cards, pending Privacy Act expungement material, specific arrest data, and specified general records schedule categories. Throughout the early stages of the litigation, the government indicated to the court that it was contemplating appellate review, but no appeal was perfected.

Notwithstanding the court's order that a proposed destruction plan be submitted within ninety days, for well over one year neither the Archivist nor the FBI took any action to carry out the court's order or the mandates of the law. Ultimately, the plaintiffs advised the court of the failure of the government to act and on February 26, 1981, the court held a hearing during which various witnesses from both the FBI and the Archives conveniently placed the bulk of the blame for their failure to act on a former Department of Justice attorney who had left the government's employment and moved to Cincinnati. Needless to say, Judge Greene was not pleased

25/ Over thirty years, primarily during the Hoover years.

and on June 9, 1981, entered additional orders setting forth specific time periods during which identified tasks were to be accomplished by the Archivist and the FBI. During February and March, the government requested the court to modify its order to exclude from its scope tax returns, tax return information, grand jury material, and various so-called Title III wire tap documents on the grounds that archival review of these materials is prohibited by the operation of other statutes. The government also requested exclusion from the scope of the order the objects of Privacy Act expungement requests, informants' names, and seized or voluntarily contributed personal property. In brief, the government was not very successful.

Insofar as Rule 6(e) disclosures are concerned, only the court's disposition of the grand jury material is relevant to this memorandum. Judge Greene ordered that the Bureau submit additional information to him by way of affidavit as to the scope of the grand jury material in the FBI's possession and the manner in which it was accumulated. Pending further resolution of the issue, the court entered an order on June 9, 1981, that "no records in any of these categories shall be disposed of without further order of this court".

Subsequently, the government moved to reconsider and vacate the court's order of June 9, 1981, alleging that "administrative chaos" was resulting from certain aspects of the June 9 order. Again, on July 18, 1981, Judge Greene did not view the government's plight very favorably, indicating:

...In any case, it is indisputable that to the extent that any problem currently exists, it is basically the product of the government's refusal over the history of this case either to comply with court orders or to appeal them, preferring instead to modify them unilaterally or by informal negotiations among the defendant agencies.

Regardless of these considerations, and without prejudice to said action as the court may take upon consideration of defendants' motion to reconsider when briefing is complete, it is appropriate at this time to modify the court's orders of January 10, 1980, June 9, 1981, and July 1, 1981, to protect the interests of the third parties whose personnel records have become involved to the extent that this can be done consistently with the obligation of the court to ensure the archival review statutes are properly implemented".

But the court did modify its previous orders slightly:

...to allow the FBI to return seized or voluntarily contributed documentary evidence to their owners, should said owners request their return, provided that the FBI preserves archival value of the material by retaining copies of all documents so disposed of and by documenting the fact of the disposition of the originals. (Emphasis added).

On August 27, 1981, at the request of the government, Judge Greene again modified his order indicating that where demand had been made by the owner of documentary evidence for its immediate return, the Bureau could respond in one of two ways. The Bureau could request the National Archives to immediately review the materials and if, in the opinion of the National Archives, there were no reasons for the documents' retention, the originals could be returned without photocopying and retention of the photocopies in the Bureau's files. If this method were utilized, the National Archives' representative, James E. O'Neill, was to file an affidavit with the court describing with particularity the documents disposed of and certifying his finding that their preservation was not warranted under the guidelines of the Archival Statutes. Otherwise, the Bureau could only return the material to the original owners if it maintained photocopies of each piece of paper in their files for review later by the National Archives. Needless to say, Judge Greene was still not overly impressed with the government's performance as he indicated:

In response for a request for an explanation, the FBI has indicated that the present problem has arisen because the FBI failed, for many months, to comply with the court's order, and has just recently begun to do so. Any administrative problems that may now exist are thus entirely the creation of the FBI.

On September 28, 1981, the government moved the court to modify its previous order of July 28, 1981, to permit the return of grand jury subpoenaed documentary material when requested by its owners in the same manner as the court permitted the Bureau to return seized or voluntarily contributed documentary evidence with the exception that, due to Rule 6(e), the government felt the National Archives should not be permitted to review the material prior to its return. The government also sought discretion for the FBI to determine whether copies should be maintained within their files of such material. To date, the court has not ruled on the government's most recent request to modify its previous orders. Therefore, there is no answer from Judge Greene as to whether the FBI may dispose of grand jury material in any manner, with or without local court order, even if it retains copies of the material in its files.

IV. CONCLUSION.

From the above, it would appear that Rule 6(e) clearly contemplates court-authorized disclosure of grand jury materials to state and local officials under a variety of circumstances. The difficulty lies in determining with any degree of specificity the exact factual background necessary to obtain a proper Rule 6(e) order. While at least one court has indicated that a grand jury's request that materials be forwarded to state and local authorities has "no effect at law", In the Matter of Petition for Disclosure of Evidence Before the October 1959 Grand Jury of the Court, supra, other courts in approving 6(e) orders have noted in passing, without specific comment, the fact that the grand jury had, in fact, terminated its

investigation or had been notified of the government's request to transfer the material to state or local authorities. As such, it would seem advisable to notify the grand jury of our intentions and hopefully obtain their approval.

While a grand jury request may have no "effect at law", the fact that they do not object or have actually approved the request may be of some assistance to the court in weighing the need for "grand jury secrecy" against the public's interest in seeing justice done under state law.

As for Judge Greene's orders in Washington, D.C., little can be done. On the literal face of the orders, the FBI is prohibited from transferring the grand jury material to anyone. According to the spirit of the orders though, if we instruct the Bureau to maintain copies of the records in their files (notwithstanding the Right of Financial Privacy Act to the contrary, 12 U.S.C. § 3420), the material will be preserved for ultimate review by the National Archives and the "spirit" of the order maintained. Therefore, it is suggested that once the 6(e) orders are obtained, the FBI be instructed in writing to maintain copies of all grand jury materials in their files pending the resolution of the litigation in Washington. It is also recommended that in obtaining 6(e) orders, the district court here in Arizona be advised of Judge Greene's orders so that no one can accuse us of misleading the court.

DATE

2/3/82

UNCLAS

IMMEDIATE

REF ID: A60000 HQ 40108 SATYUHO 042103Z FEB 82

START HERE

FM FM DIRECTOR, FBI
TO TO ALL FBI FIELD OFFICES IMMEDIATE
ALL LEGATS IMMEDIATE

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED**

DATE 9-24-82 BY SP4 EIW/71K

B P Destruction of Bureau Property-General

UNCLAS

12 DESTRUCTION OR DISPOSITION OF DOCUMENTARY EVIDENCE

RE MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE (MEMORANDUM
10 5-823, DATED 2/2/82.

8 REFERENCED MEMORANDUM 5-82 REFLECTS A NOTICE OF MODIFICA-
TION OF THE CURRENT BUREAU POLICY REGARDING WHICH SPECIFIC COPY
OF FORM FD-192 SHOULD BE USED TO RECORD THE CHAIN-OF-CUSTODY
6 INFORMATION FOR MATERIALS SEIZED/RECOVERED BY OR VOLUNTARILY
CONTRIBUTED TO THE FBI. IT SHOULD BE NOTED THAT ANY SUCH RETURN
4 OR DESTRUCTION OF THESE MATERIALS MUST BE IN COMPLIANCE WITH THE
CURRENT OUTSTANDING COURT ORDERS IN THE MATTER OF AMERICAN
2 FRIENDS SERVICE COMMITTEE, ET AL. V. WEBSTER, ET AL., CIVIL
ACTION NUMBER 79-1655, {D.D.C.}. THEREFORE, UNLESS YOU ARE 10

DO NOT TYPE PAST THIS LINE

APPROVED BY

TUR: DEP {6}

2/3/82

3648

1 - EACH EAD
1 - EACH ASSISTANT DIRECTOR
1 - [REDACTED]
1 - MR. SCHERRER
1 - [REDACTED]
1 - [REDACTED]
1 - MR. BLAKE
1 - MR. ANDREWS
1 - [REDACTED]
1 - MISS DEVINE

FEDERAL BUREAU OF COMMUNICATIONS

APPROVED:

Adm. Servs. _____	Laboratory _____
Crim. Inv. _____	Legal Coun. _____
	Off. of Cong. & Public Affs. _____
Ident. _____	Rec. Mgnt. _____
Inspection _____	Tech. Serv. _____
Inteli. _____	Training _____

**FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS CENTER**

FEB 3 1982

3 FEB 7

DO NOT FILE WITHOUT COMMUNAL AIDS STAMP

FBI/DOJ

PAGE TWO DE HQ 0108 UNCLAS

ADVISED THAT THE RETURN OR DESTRUCTION OF SAID MATERIALS IS AUTHORIZED PURSUANT TO THE ABOVE COURT ORDERS, NO RETURN OR DESTRUCTION SHOULD TAKE PLACE. ONCE YOU ARE ADVISED THAT ANY MATERIALS IN YOUR POSSESSION MAY BE RETURNED OR DESTROYED, THE ABOVE REGULATIONS IN MEMORANDUM 5-82 REGARDING THE PACKAGE COPY OF FORM FD-192 WILL BE APPLICABLE.

BT

1

Assistant Attorney General
Office of Legal Counsel

March 3, 1982

FEDERAL GOVERNMENT

Assistant Director
Records Management Division

FBI PARTICIPATION IN DISCOVERY IN THE KEARNEY
CASE AND THE GRAY, FELT, AND MILLER CASES

0 Destruction of Bureau Property - General

Reference is made to my memoranda dated December 18, 1981, and September 1, 1981, which requested that consideration be given to administratively terminate or modify the moratorium on the destruction of security-related records, which has been observed by the Federal Bureau of Investigation since January 16, 1978, in connection with captioned matter.

For your information, I am attaching copies of four separate Standard Form 115 (Request for Records Disposition Authority), which were approved by the Archivist of the United States. Since the files approved for destruction by the Archivist of the United States are security related, no disposition action may be taken by the Federal Bureau of Investigation until the moratorium, previously mentioned, is lifted or modified by the Department.

Enclosures (4)

- 1 - [redacted] Criminal Division
- 1 - [redacted] Civil Division
- 1 - [redacted] Civil Division
- 1 - [redacted]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 E2W/gmk

b6

b7C

Office of Legal Counsel

NOTE: This memorandum forwards approved SF 115s for destruction of records pursuant to the Privacy Act. Previous memoranda, as identified above, have been directed to the Department, however, no response has been received.

66-3286

- 1 - Mr. Mintz (Attn: [redacted])
- 1 - AD, RMD
- 1 - Mr. Scherrer

RWS:evp (11)

APPROVED:

Adm. Servs.

Laboratory

Crim. Inv.

Legal Coun.

Ident.

Intell.

Plan. & Insp.

Exec. AD-LES

Intell.

Training

MAR 4 1982

b6

b7C

MAILED 14

MAR - 3 1982

Exec AD Inv. _____
Exec AD-Adm. _____
Exec AD-LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM []

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See instructions on reverse)

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Justice

2. MAJOR SUBDIVISION

Federal Bureau of Investigation

3. MINOR SUBDIVISION

Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

Robert W. Scherrer

5. TEL. EXT.

LEAVE BLANK

JOB NO

NCI-65-82-16

DATE RECEIVED

December 18, 1981

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

1/22/82
Date

Edward Ullrich
Acty Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☒ A Request for immediate disposal.

b2

☐ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE	D. SIGNATURE OF AGENCY REPRESENTATIVE	E. TITLE
12/9/81	Robert W. Scherrer	Section Chief

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1.	<p>Files, index cards and related material maintained at Federal Bureau of Investigation Headquarters and field offices relating to background loyalty investigation conducted in 1948-1951, background applicant investigation conducted in 1938-1942, and espionage investigations conducted during the period of 1938-1948. The files consist of approximately 250 documents which were released pursuant to provisions of the Privacy Act of 1974. The records have been determined to serve no useful purpose and continued maintenance could conflict with subsection (e)(1) and (5) of the Privacy Act.</p> <p>File numbers 65-800, 65-46310, 77-9361, 121-13297</p> <p>Immediate destruction.</p>		

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-24-82 BY SP4 E2W/ML

66-3286-1372

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK

JOB NO.

TO GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

NCI-65-82-12

DATE RECEIVED

December 18, 1981

NOTIFICATION TO AGENCY

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Justice

2. MAJOR SUBDIVISION

Federal Bureau of Investigation

3. MINOR SUBDIVISION

Records Management Division

In accordance with the provisions of 44 USC 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

4. NAME OF PERSON WITH WHOM TO CONFER

Robert W. Scherrer

5. TEL. EXT.

1/27/82

Date 4/1/82

Signature of the Archivist of the United States

b2

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☒ A Request for immediate disposal.

☐ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE

12/9/81

D. SIGNATURE OF AGENCY REPRESENTATIVE

Robert W. Scherrer

E. TITLE

Section Chief

7. ITEM NO.

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

9. SAMPLE OR
JOB NO.

10. ACTION TAKEN

1.

Files, index cards and related material maintained at Federal Bureau of Investigation Headquarters and field offices regarding applicant background investigation conducted in 1963 and subsequent documents dated in 1973-1975. The records consist of approximately 45 documents which were released through provisions of the Privacy Act of 1974. The records were determined to serve no current or future investigative purpose and continued retention could compromise the contents of subsection (e)(1) of the Privacy Act.

File number 151-464

Immediate destruction.

115-107

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60220 BCE/DCG/jmw

STANDARD FORM 115

Revised April, 1975

Prescribed by General Services

Administration

FPMR (41 CFR) 101-11.4

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See instructions on reverse)

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Justice

2. MAJOR SUBDIVISION

Federal Bureau of Investigation

3. MINOR SUBDIVISION

Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

Robert W. Scherrer

5. TEL. EXT.

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☒ A Request for immediate disposal.

☐ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE	D. SIGNATURE OF AGENCY REPRESENTATIVE	E. TITLE
12/9/81	<i>Robert W. Scherrer</i>	Section Chief

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1.	<p>Files, index cards, and related documents maintained at Federal Bureau of Investigation Headquarters and field offices relating to a brief investigation conducted in 1967-1968 involving an alleged security matter. The file consists of approximately 10 documents which were released pursuant to the Privacy Act of 1974. Further retention of this material could conflict with subsection (e)(5) of the Privacy Act.</p> <p>File number 105-171585</p> <p>Immediate destruction.</p>		

115-107

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60290 BCE/DCG/ymw

STANDARD FORM 115
Revised April, 1975
Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK

JOB NO

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

NCL-65-81-12

1. FROM (AGENCY OR ESTABLISHMENT)

DATE RECEIVED

February 4, 1981

Department of Justice

NOTIFICATION TO AGENCY

2. MAJOR SUBDIVISION

Federal Bureau of Investigation

3. MINOR SUBDIVISION

Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

5. TEL. EXT.

Robert W. Scherrer

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

1/22/82 Edward Welch
Deputy Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

b2

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☒ A Request for immediate disposal.

☐ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE

D. SIGNATURE OF AGENCY REPRESENTATIVE

E. TITLE

1/23/81

Robert W. Scherrer

Section Chief

7. ITEM NO.

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

9. SAMPLE OR
JOB NO.

10. ACTION TAKEN

1.

Files, index cards, and related material maintained at Federal Bureau of Investigation Headquarters and field offices which contain the results of inquiry into organizational affiliations in 1975-1976. The records consist of approximately 15 documents which were released through provisions of the Privacy Act of 1974. Continued maintenance of the material could be violative of subsection (e)(7) as the information is no longer within the scope of an authorized law enforcement activity.

File number 100-484211.

Immediate destruction.

115-107

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9/23/03 BY AUC 60290 BCE/bcg/ymw

STANDARD FORM 115
Revised April, 1975

Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4

FEDERAL GOVERNMENT

March 26, 1982

DESTRUCTION of Bureau Property

Mr. Dan K. Webb
United States Attorney
Northern District of Illinois
United States Courthouse
Chicago, Illinois 60694

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

General

Dear Mr. Webb:

DATE 9-24-82 BY SP4 EFW/gmk

This is in reference to your letter of January 26, 1982, which was directed to Hazel Stewart, Justice Management Group, Justice Management Division, Department of Justice, and which referred to five cases that were ordered expunged pursuant to the Federal Youth Corrections Act.

Please be advised that although the Department of Justice has not given final approval to an order outlining a procedure for handling cases expunged pursuant to the Federal Youth Corrections Act, the Federal Bureau of Investigation (FBI) has developed a standard procedure for processing such records.

Thus, pursuant to your request, the records of the individuals named in your communication have been purged from the files of the FBI's Identification Division. Additionally, the investigative files that refer to these individuals have been physically removed from the FBI's central criminal files to insure that information concerning the ex-offenders' arrests and convictions is not disseminated so as to negate the purpose of the Federal Youth Corrections Act.

Sincerely yours,

THOMAS H. BRESSON

Thomas H. Bresson
Inspector-Deputy
Assistant Director
Records Management Division

1 - Mr. John D. Rea
United States Attorney's Office

66-3286

1 - Mr. Mintz (Attn: Mr. Blackburn)

1 - AD, RMD

1 - Mr. Scherrer

1 - [redacted]

CMG:evm (8) 1982 SEE NOTE PAGE 2.

MAIL ROOM ☐

12 MAR 29 1982

APR 6 1982

RECORDED COPY FILED

62-50874-619

Mr. Dan K. Webb

NOTE: Based on receipt of Form JMD-95, dated 2/24/82, from the Justice Management Division, ordering expungement of records pursuant to Controlled Substances Act, 21 U.S.C., Section 844(b)(2), although subjects of court orders were being afforded treatment under the Federal Youth Corrections Act (FYCA). In response to request by the Records Management Division, the Legal Counsel Division (LCD) provided a legal analysis of the FYCA, 18 U.S.C., Section 5021(b), by memorandum dated 4/22/81 (66-3286-1364X) and recommended that pertinent records be segregated from the central records system and disseminated only to bona fide law enforcement agencies for legitimate law enforcement investigative purposes. We are stating our position with the U.S. Attorney in view of our reluctance to dispose of legitimate investigative files without positive definition or clarification and the prospects of obtaining archival authorization and court approval for destruction under these uncertain conditions. Hazel Stewart, who coordinates the expungement orders in the Justice Management Division, was contacted on 2/18/82. Ms. Stewart was sympathetic with the problem and supportive in our effort to resolve the matter with the U.S. Attorney, Chicago. This matter is being closely coordinated with the Legal Research Unit, LCD.

Rux

APPROVED:	Adm. Servs. _____	Laboratory _____
	Crim. Inv. _____	Legal Coun. _____
Director _____	Off. of Cong. & Public Affs. _____	
Exec. AD-Adm. _____	Ident. _____	Rec. Mgmt. <i>JB</i>
Exec. AD-Inv. _____	Inspection _____	Tech. Servs. _____
Exec. AD-LES _____	Intell. _____	Training _____

Memorandum



Subject

FBI Participation in Discovery in the
Kearney, Gray, Felt and Miller Cases

Date

26 MAR 1982

FEDERAL GOVERNMENT

To

Thomas H. Bresson
Assistant Director
Records Management Division

From

Larry L. Simms
Deputy General Counsel
Office of Legal Counsel

Destruction of Bureau Records

This responds to your request of December 18, 1981 for advice on whether to end the moratorium on destruction of security related records which the Federal Bureau of Investigation has observed since January 16, 1978. We have received comments from the Torts Branch of the Civil Division (attached) and the Criminal Division. Both object to any lifting of the moratorium. The Federal Programs Branch of the Civil Division, which is handling American Friends Service Committee v. Webster, No. 79-1655 (D.D.C.), is indifferent because of the outstanding injunction in that case. This Office has no institutional interest in this matter and therefore defers to the judgment of the Civil and Criminal Divisions, since they are the litigating divisions who will have to produce any documents that are requested.

b6
b7C

[redacted] Unit Chief, Field Coordination Appeals Unit (FBI) [redacted] has expressed some dissatisfaction with these decisions. Since this Office is not responsible for the litigation, we cannot determine whether it would be appropriate to destroy the documents with which he is concerned. We recommend that any further correspondence be directed specifically to the litigating divisions and not to this Office.

cc: John J. Farley, III
Director, Torts Branch
Civil Division

William C. Bryson
Chief, Appellate Section
Criminal Division

Vincent M. Garvey
Assistant Branch Director
Federal Programs Branch
Civil Division

66-3286-1373

5 JUL 13 1982

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/03 BY AUC 60290 BEE/DCG/jmw

file 66-3286

1. ENCLOSURE

Unrecorded Copy Filed 66-11804-1

JJF:LLGregg:hmr

March 8, 1982

MEMORANDUM

TO: Mr. Larry L. Simms
Deputy Assistant Attorney General
Office of Legal Counsel

FROM: John J. Farley, III
Director, Torts Branch
Civil Division

SUBJECT: FBI - Document Destruction

Your memorandum of February 11, 1982, requests our comments on the Bureau's proposal to lift a moratorium on the destruction of certain security-related records. This moratorium was imposed by your office in view of the pendency of criminal proceedings against former FBI officials Kearney, Gray, Felt and Miller.

First of all, the criminal case against Messrs. Felt and Miller remains "pending" since an appeal has been filed. Moreover, the above individuals currently are defendants in a civil suit pending in the United States District Court for the Southern District of New York captioned Judith Clark, et al. v. United States, et al., 78 CIV 2244 MEL (S.D. N.Y.), which arises out of the Weather Underground and Weather Fugitive investigations. This case is primarily handled by the United States Attorney. That office should be consulted fully before any documents are destroyed. It might be noted, however, that it is likely that any documents retrieved in connection with the criminal cases would be deemed relevant to the related civil case, in view of the broad relevancy concept embodied in the Federal Rules of Civil Procedure.

Aside from the above, you should be aware that this Division handles several cases which challenge national security investigations conducted by the Bureau over the years. These include investigations of the Black Panther Party, National Lawyers Guild, Socialist Workers Party,

ALL FBI INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/23/03 BY AUC 60280 BCE/DCG/jmw

66-3286-1373

Jewish Defense League, Peoples Coalition for Peace and Justice, Students for a Democratic Society, East Coast Conspiracy to Save Lives and numerous other groups. We are concerned that any destruction of security-related records might hinder our ability to defend the governmental and individual interests we represent in these lawsuits. It is perhaps significant to note that the Legal Counsel Division of the FBI, with which we work closely in defending these cases, does not appear to have been consulted on the question of resuming destruction. Its view would be helpful.

At the present time we are inclined to recommend against destruction of any security-related documents. At the very least, in the event the Bureau is permitted to commence normal destruction of records, provision should be made to ensure that this Division is advised in advance of any proposed destruction in order that our litigation interests and obligations might be protected. Various document retrieval and destruction programs notwithstanding, the destruction of relevant documents of potential evidentiary value could adversely impact on presently pending cases, particularly when they are subject to non-destruct orders.

cc: Mr. W. Ronald Bonds
Deputy Assistant Attorney General
Civil Division

Mr. Vincent M. Garvey
Assistant Branch Director
Federal Programs Branch
Civil Division

Memorandum



Exec AD Adm. _____
Exec AD Inv. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____
Telephone Rm. _____
Director's Sec'y _____

To Assistant Director *Adm*
Records Management Division

Date 3/24/82

From R. W. Scherrer *RS*

Subject DESTRUCTION OF RECORDS;
CREATION OF A RECORDS DISPOSITION
AND ARCHIVAL SUBUNIT
RECORDS SYSTEMS SECTION
RECORDS MANAGEMENT DIVISION (RMD)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EFW/JHK

PURPOSE:

To advise of plans to establish a Records Disposition and Archival Subunit to implement FBIHQ, field and Legat records destruction and archival retention of FBI records.

RECOMMENDATION:

For information.

APPROVED:

Adm. Servs. _____ Laboratory _____
Crim. Inv. _____ Ident. _____
Inspection _____ Training _____
Intell. _____

SYNOPSIS AND DETAILS:

As a result of the civil matter American Friends Service Committee, et al. v, William H. Webster, et al., U.S. District Court, Washington, D. C., Civil Action Number 79-1655, the FBI has been enjoined from destruction of administrative and investigative files since January, 1980. In complying with orders of the Court in the above-mentioned civil matter, the National Archives and Records Service (NARS) and the FBI prepared and submitted a detailed retention plan and disposition schedule to the Court for approval on 11/9/81.

- 1 - Mr. Colwell
- 1 - Mr. Mintz (Attn: Mr. Blake)
- 1 - Mr. Revell
- 1 - AD, RMD
- 1 - Mr. Andrews
- 1 - Mr. Scherrer

b6
b7C

66-3286-

NOT RECORDED
202 MAR 31 1982 • MAR 23 1982

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/1/82 BY EFW/JHK

RWS:evm (14)

66-1855-7-971
ORIGINAL FILED IN

Memorandum R. W. Scherrer to AD, RMD
RE: DESTRUCTION OF RECORDS;
CREATION OF A RECORDS DISPOSITION
AND ARCHIVAL SUBUNIT
RECORDS SYSTEMS SECTION
RECORDS MANAGEMENT DIVISION (RMD)

After approval by the Court, the FBI will be bound by the provisions of the retention plan and disposition schedule. The critical space problems at FBIHQ and in the field resulting from the records destruction prohibition requires the prompt resumption of a records destruction program after authority is received from the Court. The NARS review of FBI records was the most extensive undertaking of its kind ever conducted by that agency. The resulting retention plan and disposition schedule are exceptionally complex and complicated.

Previously, the FBI had been generally authorized to destroy administrative and investigative files by administrative, criminal and subversive categories with few exceptions and/or restrictions. The field and Legat destruction programs were administered by individual field and Legat offices with minimal direction from FBIHQ. The new retention plan and disposition schedule developed by NARS will require continuous FBIHQ direction and control with regard to the destruction of field and Legat records. In addition, the new retention plan and disposition schedule will require that the FBI maintain a wide variety of administrative and investigative records for eventual transfer to NARS. The new retention plan and disposition schedule call for the retention of certain investigative and administrative records by classification, utilizing a statistical sampling procedure. All multi-volume files at FBIHQ, the field and in Legat offices in specified classifications will have to be retained and prepared for transfer to NARS. Also, specific criteria to identify exceptional cases have been established by NARS and these records also must be retained and prepared for transfer to NARS. The corresponding field records must be combined with multi-volume FBIHQ files for retention and transfer to NARS. The reverse is also true. Corresponding index cards from FBIHQ and the field related to files that must be permanently retained and ultimately transferred to NARS must be recovered and also transferred to NARS for retrieval purposes. Prior to the transfer of any FBI records to NARS, there must be a review for classification. In addition, records permanently transferred to NARS must be thoroughly reviewed in order to protect the identity of FBI informants or assets.

The foregoing activity will be continuing and ongoing. No FBI files, with the exception of World War I era records, have ever been transferred to NARS. In addition, no significant destruction of FBIHQ records has ever taken place.

Memorandum R. W. Scherrer to AD, RMD
RE: DESTRUCTION OF RECORDS;
CREATION OF A RECORDS DISPOSITION
AND ARCHIVAL SUBUNIT
RECORDS SYSTEMS SECTION
RECORDS MANAGEMENT DIVISION (RMD)

Personnel selected to carry out the destruction and archival retention of FBI records, in addition to having a broad RMD background, must also have the ability to analyze and interpret the subject matter under consideration for destruction and/or transfer to NARS. Personnel must also have the ability to work with a minimum of supervision. A preliminary RMD analysis of the proposed Disposition and Archival Specialist position leads to the belief that the incumbent should occupy the position of a GS-7 analyst with promotional opportunities through GS-9, after necessary experience has been obtained and performance has been demonstrated. Due to the huge amounts of FBIHQ, field and Legat records involved, RMD believes a targeted staffing level for the new Record Disposition and Archival Subunit should be fixed at 25 employees. RMD will be in touch with the Administrative Services Division for guidance and assistance in developing required position descriptions.

1 3

3/24/82

UNCLAS E F T O

ROUTINE

FM DIRECTOR FBI (66-19249)

TO ALL FBI FIELD OFFICES ROUTINE

PERSONAL ATTENTION

BT

UNCLAS E F T O

Bureau Property General

O DESTRUCTION OF RECORDS; NATIONAL ARCHIVES AND RECORDS SERVICE
{NARS} APPRAISAL OF FBIHQ AND FIELD RECORDS;
COPYRIGHT MATTERS.

66-3286-

REBUTEL 10/7/81, UNDER THE FIRST CAPTION.

BASED ON RECENT INQUIRIES DIRECTED TO THE RECORDS MANAGEMENT DIVISION {RMD} BY SEVERAL FIELD OFFICES AS TO WHETHER PIRATED MOTION PICTURE FILMS, VIDEO CASSETTES OR SOUND RECORDINGS SEIZED BY THE FBI WERE CONSIDERED DOCUMENTARY OR PHYSICAL EVIDENCE, THE FOLLOWING INFORMATION AND GUIDANCE IS SET FORTH:

CONSULTATION BY RMD WITH LEGAL COUNSEL DIVISION; CIVIL DIVISION, DEPARTMENT OF JUSTICE, AND NARS DISCLOSED THAT

RWS:evm

3/24/82

5644

4185

- 1 - MR. COLWELL
- 1 - EAD INVESTIGATIONS
- 1 - MR. OTTO
- 1 - EACH ASSISTANT DIRECTOR
- 1 - MR. HOTIS
- 1 - MR. SCHERRER



06 APR 06 1982

- 1 - MR. S. R. ANDREWS

1 - [REDACTED]

1 - MISS DEVINE

1 - MANUALS DESK NOT RECORDED

① - 66-3286-Sub B23 APR 2 1982

1 - 28-00

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 EEW/3MK

ORIGINAL FILED IN

66-3286-39

DUPLICATE YELLOW

b6

b7C

PIRATED MOTION PICTURE FILMS, VIDEO CASSETTES AND SOUND RECORDINGS APPEAR TO FALL WITHIN THE BROAD DEFINITION OF DOCUMENTARY EVIDENCE. AS ALL OFFICES ARE AWARE, THE DISPOSITION OF DOCUMENTARY EVIDENCE RETAINED BY THE FBI IS GOVERNED BY ORDERS ISSUED JULY 28, 1981, AND AUGUST 26, 1981, BY U.S. DISTRICT JUDGE {USDJ} HAROLD H. GREENE IN THE CIVIL MATTER "AMERICAN FRIENDS SERVICE COMMITTEE, ET AL. V. WILLIAM H. WEBSTER, ET AL." U.S. DISTRICT COURT, WASHINGTON, D.C., CIVIL ACTION NUMBER 79-1655. SPECIFIC INSTRUCTIONS REGARDING THE IMPLEMENTATION OF THE AFOREMENTIONED ORDERS ISSUED BY JUDGE GREENE WERE SET FORTH IN REBUTEL.

THE CIVIL DIVISION, U.S. DEPARTMENT OF JUSTICE, WILL SEEK CLARIFICATION FROM JUDGE GREENE AS TO WHETHER PIRATED MOTION PICTURE FILMS, VIDEO CASSETTES OR SOUND RECORDINGS SEIZED BY THE FBI ARE CONSIDERED TO BE DOCUMENTARY OR PHYSICAL EVIDENCE. UNTIL CLARIFICATION OF THIS ISSUE IS RECEIVED FROM JUDGE GREENE, ALL OFFICES SHOULD ADHERE TO THE INSTRUCTIONS SET FORTH IN REBUTEL CONCERNING THE DISPOSITION OF DOCUMENTARY EVIDENCE.

INFORMAL INQUIRY BY FBIHQ WITH SEVERAL FIELD OFFICES
ESTABLISHED THAT PIRATED MOTION PICTURE FILMS, VIDEO CASSETTES
AND SOUND RECORDINGS WERE BEING DISPOSED OF BY COURT ORDER AS
PROVIDED IN TITLE 17, U.S. CODE, SECTION 506(B), INASMUCH AS THE
SEIZED MATERIAL WAS CONSIDERED BY THE U.S. ATTORNEY AND THE USDOJ
TO BE PHYSICAL EVIDENCE. CIVIL DIVISION, U.S. DEPARTMENT OF
JUSTICE, DESIRES TO ASCERTAIN THE NUMBER OF INSTANCES WHEREIN
PIRATED MOTION PICTURE FILMS, VIDEO CASSETTES OR SOUND
RECORDINGS WERE DISPOSED OF BY FIELD OFFICES UNDER THE PROVISION
OF TITLE 17, U.S. CODE, SECTION 506(B), OR BY OTHER MEANS DURING
THE PAST YEAR. ACCORDINGLY, EACH OFFICE SHOULD PROVIDE THIS
INFORMATION TO FBIHQ BY TELETYPE UNDER THE ABOVE CAPTION MARKED
FOR THE ATTENTION OF SA ROBERT W. SCHERRER, SECTION CHIEF,
RECORDS SYSTEMS SECTION, RMD. PLEASE FORWARD YOUR RESPONSE BY
COB 3/31/82.

BT

1

NOTE: INSTANT TELETYPE PROVIDES GUIDANCE AND INSTRUCTIONS TO THE FIELD IN CAPTIONED MATTERS AND THE DISPOSITION OF PIRATED MOTION PICTURE FILM, VIDEO CASSETTES AND SOUND RECORDINGS SEIZED BY THE FBI. THIS MATTER WAS COORDINATED BY THE RECORDS MANAGEMENT DIVISION WITH THE CRIMINAL INVESTIGATIVE AND LEGAL COUNSEL DIVISIONS.

Memorandum



Subject

Date

General Accounting Office (GAO) Records

MAR 31 1982

o Destruction of Bureau Property - General

To

~~FEDERAL GOVERNMENT~~

From

Terry Appenzeller
Terry Appenzeller, Director
Library Staff
Office of Information
Technology
Justice Management Division

See Attached List

The National Archives and Records Service (NARS) recently issued GSA Bulletin FPMR B-111, dated July 7, 1981, which reduced the retention period of site audit records from ten years to six years.

In addition, NARS approved a GAO schedule whereby duplicate contract copies maintained for audit purposes (except contracts relating to Indians) may be destroyed six years, three months after close of file. The schedule also eliminated the requirement to maintain duplicate contract copies for audit purposes as of March 7, 1975, which made all such records disposable on October 1, 1981.

Please advise this office of any records disposition schedules citations, approved as either a separate schedule or part of a comprehensive schedule for your component, which relate to (1) site audit records or (2) GAO contract copies. This information is necessary for NARS to facilitate proper disposal of these records which are currently maintained in the Washington National Records Center.

Your response by April 9, 1982, will be appreciated. If you have any questions, please contact Robert M. Yahn, Chief, Records Management Services, at

b2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9-24-92 BY *SP4 E2W/gmk*

1- ENCLOSURE

68 APR 23 1982

12 APR 7 1982

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY *AUC 10230 BCE / DCS / Hmw*

LIST OF ADDRESSEES

[REDACTED]
Management & Information Systems Branch
Bureau of Prisons

James L. Greene
Chief, Records Management Section
Management Analysis Division
Drug Enforcement Administration

b6

b7C

[REDACTED]
Archives Specialist, Records Systems Section
Records Management Division
Federal Bureau of Investigation

[REDACTED]
Information Services Division
Immigration & Naturalization Service

Margaret Kaye
Chief, Records Management Staff
Office of Operations Support
Office of Justice Assistance, Research
and Statistics

[REDACTED]
Systems Analyst
Information & Services Division
U. S. Marshals Service

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/23/03 BY AUC 100290 BCE/DCG/ymw

66-3286-1374

ENCLOSURE

Assistant Attorney General
for Administration
Justice Management Division
Attn: Terry Appenzellar

April 7, 1982

Assistant Director
Records Management Division

GENERAL ACCOUNTING OFFICE
(GAO) RECORDS

AL GOVERNMENT

Destruction of Bureau Property

This is in response to your letter of March 31, 1982, *GENERAL*
relating to disposal of site audit records and GAO contract copies
which are currently maintained in the Washington National Records
Center (WNRC).

These particular records are not forwarded to WNRC but
are maintained at Federal Bureau of Investigation Headquarters.

NOTE: In response to letter dated 3/31/82, from Terry Appenzellar,
Library Staff, Office of Information Technology, Justice Management
Division, regarding disposal of site audit records and GAO contract
copies maintained in the records center. We have advised that
these particular records are maintained at FBIHQ. This matter
was coordinated with the Voucher and Payroll Section, Financial
Management Branch, Administrative Services Division. A copy of
referenced letter is attached for information.

66-3286

1 - Mr. Revell (Attn:)

1 - AD, RMD

1 - Mr. Scherrer

1 -

CMG:lcm(6)

b6

b7C

APPROVED:

Director

Exec. AD-Inv.

Exec. AD-LES

Exec. AD-LES

Adm. Servs.

Crim. Inv.

Ident.

Inspection

Intell.

Laboratory

Legal Coun.

Off. of Cong. & Public Affairs

Rec. Mgmt.

Tech. Servs.

Training

3/RWL

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 ESW/glt

66-3286-1375

447
6 APR 20 1982

MAIL ROOM ☒

1 2

4/16/82

UNCLAS E F T O

ROUTINE

FM DIRECTOR FBI (66-37249)
TO FBI BALTIMORE ROUTINE
FBI RICHMOND ROUTINE
FBI SPRINGFIELD ROUTINE

BT

UNCLAS E F T O

Bureau Property General
DESTRUCTION OF RECORDS NATIONAL ARCHIVES AND RECORDS SERVICE

(NARS); APPRAISAL OF FBIHQ AND FIELD RECORDS; COPYRIGHT MATTERS
REBUTEL 3/24/82 CAPTIONED AS ABOVE, WHICH INSTRUCTED EACH
OFFICE TO ADVISE FBIHQ BY 3/31/82 OF EACH INSTANCE WHEREIN
PIRATED MOTION PICTURE FILMS, VIDEO CASSETTES OR SOUND
RECORDINGS WERE DISPOSED OF PURSUANT TO THE PROVISIONS OF TITLE
17, U.S. CODE, SECTION 504(B) OR BY ANY OTHER MEANS.

SINCE NO RESPONSE FROM YOUR OFFICE HAS BEEN RECEIVED BY
FBIHQ, IT IS PRESUMED THAT NO DISPOSAL OF PIRATED MOTION PICTURE
FILMS, VIDEO CASSETTES OR SOUND RECORDINGS WAS CARRIED OUT BY

RMS:evm

4/16/82

5644

4185

- (1) - 66-3286 SUB B
1 - 26-00
1 - MR. STINTZ (ATTN: MR. BLAKE)
1 - [REDACTED]
1 - AD, RECORDS MANAGEMENT DIVISION
1 - MR. SCHERRER
1 - [REDACTED]

b6

b7C

66-3286-
NOT RECORDED
34 APR 26 1982

DUPLICATE YELLOW

ORIGINAL FILED IN 66-19241-2

2
YOUR OFFICE.

BT

1

FEDERAL GOVERNMENT

Assistant Attorney General
for Administration
Justice Management Division
Attention: Terry Appenzeller

April 28, 1982

Assistant Director, Records Management Division
Federal Bureau of Investigation

RECORDS DISPOSITION

Destruction of Bureau Property-Cent.

This is in response to your memorandum dated April 16, 1982, which noted the policy change regarding storage of records in the Federal records centers and the proposed change that would limit accessions to records with established date of disposition.

The policy changes will have no immediate application to storage of Federal Bureau of Investigation records.

NOTE: Referenced communication notes that, effective 10/1/82, Federal records centers will accept records for storage only if the records will remain in the center for at least three years before their scheduled disposition and a proposed change to limit storage to records which have established dates of disposition. We are advising that the policy changes will have no immediate application. Referenced communication; related correspondence from [redacted] dated 8/27/81, 3/29/82, and 4/5/82; and GSA Bulletin FPMR B-117, dated 2/2/82, are attached for information.

b6
b7C

66-3286
1 - AD, RMD (Admin)
1 - Mr. Scherrer
1 - [redacted]
CMG: lcm(5)

APPROVED:	Adm. Servs. _____	Laboratory _____
	Director _____	Legal Coun. _____
	Exec. AD Inv. _____	Off. of Cong. & Public Affs. _____
	Exec. AD LES _____	Rec. Mgnt. _____
		Tech. Servs. _____
		Training _____

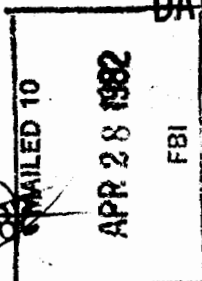
b6
b7C

5-ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/28/83 BY SP-4 eld/fclm

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☒



V-100

DE-45

66-3286-1376

12 MAY 3 1982

Memorandum



C. G. King

Subject

Records Disposition--ACTION MEMORANDUM

Date

April 16, 1982

To

Bureau Records Officers

From

Terry Appenzeller
Terry Appenzeller, Director
Library Staff
Office of Information Technology
Justice Management Division

Reference the memorandum, dated September 2, 1981, from Vincent A. Lobisco, Assistant Director, Records Management, Records and Publications Staff, subject: Proposed Change in Records Center Accessioning Policy. Files maintenance and records disposition program functions were recently transferred to the Library Staff of the Justice Management Division (JMD). The National Archives and Records Service (NARS) has issued a change in records center accessioning policy. Effective October 1, 1982, Federal records centers will accept records for storage in the records centers only if those records will remain in the centers at least three years before their scheduled disposition. In cases where major problems may develop as a result of the implementation of this new policy, center directors will evaluate requests for an exception on an individual basis. Any request for an exception should be sent to the Records Management Services (RMS), Library Staff, Office of Information Technology, JMD.

NARS is also proposing a change which would limit accessions solely to records transferred with an established date of disposition. Please review the attached letter, dated April 5, 1982, and furnish your comments to RMS no later than April 28, 1982. We will prepare a Departmental reply to NARS.

If you have any questions on the above subjects, please call Robert M. Yahn, Chief, RMS, at [redacted]. Also attached for your information is GSA Bulletin FPMR B-117, dated March 2, 1982, on the subject of Federal records retention requirements.

2 attachments

b2

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCG/ymw

66-3286-1
ENCLOSURE

ADDRESSEES

✓ Robert Scherrer, Chief
Records Systems Section
Records Management Division
Federal Bureau of Investigation
(Room 5644 JEH)

Thomas E. Williams, Chief
Documents, Distribution & Control Unit
Management and Information Systems Branch
Bureau of Prisons
(Room 246 HOLC)

James L. Greene, Chief
Records Management Section
Management Analysis Division
Drug Enforcement Administration
(Room 903C EYE)

Cecil G. Christian, Jr., Chief
Records Administration and Information Branch
Immigration and Naturalization Service
(Room 5122 CAB)

Margaret L. Kaye, Chief
Records Management Staff
Office of Operations Support
Office of Justice Assistance, Research
and Statistics
(Room 1004 IND)

John A. Stanley, Chief
Information Systems and Service Division
United States Marshals Service
(Room 272 TCC)



April 5, 1982

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of recent budget cuts and severe space problems throughout the records center system, the Office of Federal Records Centers must reexamine its current accessioning policies. At present these policies allow us to accept scheduled records having contingent disposition instructions. The change we are considering would limit our accessions solely to records transferred with an established date of disposition.

The following are examples from current disposition schedules containing contingent disposition instructions:

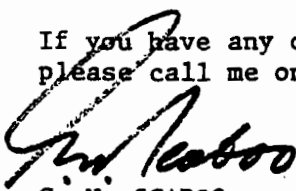
- a. Transfer to Federal records center one year after certification of aircraft. Destroy when aircraft no longer exists.
- b. Transfer to Federal records center one year after completion of project. Destroy when all research needs are met.
- c. Transfer to Federal records center when two years old. Destroy one year after removal of entire commodity from the national stockpile.

Although these contingent disposition standards cover disposable records, the disposition instructions are so vague that the end result is that records are maintained for an indefinite period. In addition, our experience indicates that records with a contingent disposition impose a considerable administrative burden on our records centers, requiring repeated contacts with the agency in an effort to determine whether the contingency has occurred and the records have become eligible for disposition. The requirement that accessions have an established date of disposition should promote turnover of records in center space, thereby alleviating space problems, and reduce the cost of administering center holdings.

While this change would prove beneficial to NARS, we believe there may be factors of which we are unaware that would result in the change having an adverse impact on your own operation. Before making a final decision we would like to receive your comments on how your agency would be affected by adoption of this new policy. Please provide us this information no later than May 3, 1982, so that we can utilize agency comments in determining our future course of action.

If you have any questions or feel you need further information on this matter, please call me on

b2


G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY NAC 60290 JCE/DCG/ymw

cc: Archivist of the United States

66-2280-1376
ENCLOSURE



March 29, 1982

MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of substantial budget reductions and severe space problems throughout the records center system, the Office of Federal Records Centers has been reexamining all of its program areas. In an August 27, 1981, memorandum to agency records officers (copy enclosed), we requested your comments concerning an accessioning policy change we were considering that records centers would accept for storage only those records that would remain in our centers at least three years before their scheduled disposition. This is a change from the present policy of accepting records having a minimum retention period in the centers of one year.

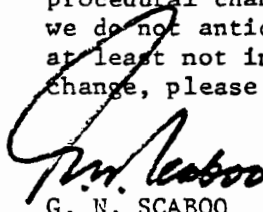
We received numerous comments from various agencies and evaluated these carefully in making our decision. While many agencies anticipated no difficulties adjusting to such a change, others indicated serious problems could develop. Therefore, although we are aware this change in policy may cause problems for some of you, we feel some change in this area must be made because of our funding and personnel situation and this one should result in the least problems for the Federal community we serve as a whole.

Therefore, effective October 1, 1982, Federal records centers will accept records for storage in the records centers only if those records will remain in our centers at least three years before their scheduled disposition.

We should point out however that center directors will evaluate requests for an exception, on an individual basis, involving agencies where major problems may develop as a result of the implementation of this new policy. In making these decisions, center directors will be guided principally by the availability of space in their center, personnel resources required to accept and service the records involved, and the overall cost savings to the Federal government. Certainly, in many instances, it will not be possible to accept the records simply because space is not available for the agency to retain the records even though it will be more costly for the agency to make alternate storage arrangements.

You may be assured that we will make every effort to minimize the impact of this procedural change on your agency. Based on our future budget projections, however, we do not anticipate any easing of the present space and personnel situation, at least not in the foreseeable future. If you have any questions on this change, please call me on

b2


G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 BCE/DCG/jmw

Enclosure

cc: Archivist of the United States

66 3286 - 1376

August 27, 1981

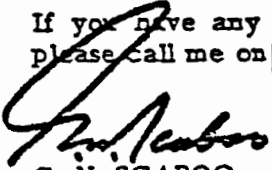
MEMORANDUM FOR ALL AGENCY RECORDS OFFICERS

Because of recent budget cuts and severe space problems throughout the records center system, the Office of Federal Records Centers is re-examining its current accessioning policy. At present that policy allows us to accept all scheduled records with a retention period in the records centers of one year or more. The change we are considering would limit our accessions to those records that would remain in our centers at least three years before their scheduled disposal.

While this change would result in considerable savings to us by reducing the volume of our annual accessions by about 15%, it is felt that the impact on agencies should not be too severe. Data we have obtained from our NARS-5 computer system indicates that for most agencies, the annual volume is small, particularly when dispersed among many offices.

However, while this change could prove beneficial to NARS, we realize there may be factors of which we are unaware and this change therefore might have a negative impact on your own operation. Before we make a final decision we would like your comments on how your agency would be affected if this new policy is adopted. Please provide this information to us no later than September 15, 1981, so that your comments can become part of our determination of a future course of action.

If you have any questions or feel you need further information on this matter, please call me on


G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

b2

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCG/jmw

66-3286-1396

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

March 2, 1982

GSA BULLETIN FPMR B- 117
ARCHIVES AND RECORDS

globe

TO: Heads of Federal agencies

SUBJECT: Federal records retention requirements

1. Purpose. This bulletin transmits guidelines designed to ensure agency compliance with the records disposition provisions of the Federal Records Act.

2. Expiration date. This bulletin will remain in effect until superseded or canceled.

3. Background.

a. Chapter 33 of title 44, U.S. Code, provides procedures for the disposal of Federal records. Section 3314 of title 44 specifies that Federal Government records may be destroyed only in accordance with Chapter 33. Under this chapter, Federal records may be destroyed only after the Archivist of the United States, as delegate of the Administrator of General Services, has approved the disposal. Procedures for obtaining the necessary approval are contained in FPMR 101-11.406.

b. Agencies with program responsibility for Government-wide functions such as personnel, health and safety, and protection of nuclear materials have published regulations concerning records creation and records retention standards for the Federal sector.

4. Application. Records retention standards set by agencies other than NARS should be viewed as guidelines. They do not serve as the authority for records destruction unless incorporated into agency records control schedules approved by the Archivist of the United States or in General Records Schedules published by the General Services Administration.

5. Agency action. Federal agencies wishing to apply records retention standards recommended by agencies other than NARS should request authority to do so following the procedures provided in FPMR 101-11.406.

6. NARS action. NARS will attempt to analyze retention guidelines set by other agencies to determine the propriety of incorporating them into the General Records Schedules, which are mandatory for all Federal agencies (44 U.S.C. 3303a).

7. Questions. Any questions regarding the contents of this bulletin should be addressed to the National Archives and Records Service (NC), Washington, DC 20408.

Robert M. Warner
ROBERT M. WARNER
Archivist of the United States

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCG/ymw

603286 - 1376



FEDERAL GOVERNMENT

Subject

Expungement of Records Pursuant to the Privacy Act

APR 13 1982

To *Destruction of Bureau Property* From *Terry Appenzeller*

See Attached List

Terry Appenzeller, Director
Library Staff
Office of Information Technology
Justice Management Division

The National Archives and Records Service (NARS) has requested the Department of Justice to review and comment on a proposed revision of GSA Bulletin FPMR B-74, Disposal of Federal records in response to requests made pursuant to the Privacy Act (attachment).

I would appreciate receiving by April 30, 1982 any comments you may have on this subject so that we can incorporate them into a Departmental response to NARS. For purposes of comparison, a copy of the current GSA Bulletin FPMR B-74, dated January 17, 1978, is also attached.

Questions on this subject may be referred to Robert M. Yahn, Chief, Records Management Services, Library Staff, at [] Thank you for your cooperation.

3 Attachments

b2

Jan
3 ENCLOSURE

Jan

*4/29/82:
DOB YAHN, JMD, CONTACTED
RE: DEADLINE OF 4/30/82.
DEADLINE FOR FBI SUBMISSION
EXTENDED TO 5/21/82.
RWS
MEMO TO JMD 5/21/82
RWS/eum*

66-3286-1377

10 MAY 25 1982

JMD 8 1000

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *9/24/03* BY *AUC 60290 BCE/DCS/gmd*

ADDRESSEES

✓ Robert P. Finzel, Assistant Director
Records Management Division, Federal Bureau of Investigation
(Room 5829 JEH)

Thomas E. Williams
Management and Information Systems Branch, Bureau of Prisons
(Room 246 HOLC)

James L. Greene, Chief
Records Management Section, Management Analysis Division
Drug Enforcement Administration
(Room 903C EYE)

Cecil G. Christian, Jr., Chief
Records Administration and Information
Immigration and Naturalization Service
(Room 5122 CAB)

Margaret L. Kaye, Chief
Records Management Staff, Office of Operations Support
Office of Justice Assistance, Research and Statistics
(Room 1004 IND)

John A. Stanley, Chief
Information Systems and Service Division
United States Marshals Service
(Room 272 TCC)

M. Miles Matthews, Acting Director
Office of Administration
Criminal Division
(Room 2121 MAIN)

Leslie H. Rowe, Acting Assistant Director
Legal Services
Executive Office for United States Attorneys
(Room 1630 MAIN)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 BCE/DCG/ymw

66-3286-1377
ENCLOSURE

ADDRESSEES

Richard L. Huff, Acting Director
Office of Privacy and Information Appeals
Office of Legal Policy
(Room 938 TODD)

Administrative Counsel
Justice Management Division
(Room 6239 MAIN)

b6

b7C

Warren Oser, Director
Personnel and Training Staff
Justice Management Division
(Room 1309 MAIN)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 100290 BCE/DCG/ymw

66-3286-1377
ENCLOSURE



General
Services
Administration

National Archives
and
Records Service

Washington, DC 20408

April 5, 1982

Mr. Robert M. Yahn, Chief
Records Maintenance and Disposition Section
Library Staff
Justice Management Division
Todd Building, Room 1004
Department of Justice
Washington, DC 20530

Dear Mr. Yahn:

Enclosed for review and comment is a proposed revision of GSA Bulletin FPMR B-74, Disposal of Federal records in response to requests made pursuant to the Privacy Act. The revision is prompted by concern that the partial expunction of records pursuant to the Privacy Act, a process not subject to NARS review under the current bulletin, can involve disposal of a major portion of a file or files and may result in the destruction of records of historical value. The revision resolves this problem by modifying current policy in regard to Privacy Act expunctions and asking agencies to submit a records disposition request (Standard Form 115) for authority to amend, remove, or expunge documentation from any file not authorized for eventual destruction in a records schedule approved by the Archivist of the United States. In response to submission of the records disposition request, NARS will review the file covered by the request and determine whether the expunction of documentation could result in the loss of any records warranting permanent retention by the Federal Government. The revision thereby assists in ensuring the preservation of permanently valuable records against the danger of loss or destruction of critical documentation through application of the Privacy Act.

While the revision would prove beneficial in terms of safeguarding permanent records, we realize there may be factors of which we are unaware and the change might have an adverse impact on your agency's operations. Before making a final decision we would like to receive and evaluate the comments of any components of your agency that might be affected by the adoption of this new policy. We are aware that, for one, the policy will affect the Records Management Division of the Federal Bureau of Investigation. Please provide us the comments no later than May 14, 1982, so that we can use this information in determining a future course of action.

If you have any questions or feel you need further information on this matter, please call me on .

Sincerely,

G. N. SCABOO
Acting Assistant Archivist
for Federal Records Centers

Enclosure

b2

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/24/03 BY AUC 60290 BCE/DCS/ymw

66-3286-1377
ENCLOSURE

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

DRAFT

GSA BULLETIN FPMR
ARCHIVES AND RECORDS

TO : Head of Federal agencies

SUBJECT: Disposal of Federal records in response to requests made pursuant to the Privacy Act

1. Purpose. This bulletin transmits revised guidelines designed to ensure agency compliance with Federal records disposal requirements when responding to requests to amend a record under provisions of the Privacy Act of 1974.

2. Expiration date. This bulletin will remain in effect until superseded or canceled.

3. Background.

a. Chapter 33 of title 44, United States Code, sets forth procedures for the disposal of records of the U.S. Government. Section 3314 of title 44 provides that no records of the Government shall be alienated or destroyed by a Federal agency except in accordance with chapter 33. Under this chapter, Federal records may not be destroyed unless disposal is approved by the Archivist of the United States, as delegate of the Administrator of General Services. Procedures for obtaining the necessary approval are contained in FPMR 101-11.406.

b. The Privacy Act permits an individual to examine records relating to him maintained in a system of records by Federal agencies. The individual may also request that records containing inaccurate, out-of-date, or misleading information be amended by correcting or expunging the information. An agency may agree to amend a record, or the individual may institute judicial action to try to compel an agency to amend a record.

c. Since there has been some misunderstanding concerning disposal of Federal records in response to requests made pursuant to the Privacy Act, it is necessary to specify which records may be destroyed and how destruction is to be accomplished. Records already accessioned into the National Archives are exempted from the Privacy Act provision allowing individuals to request that records relating to them be amended. Most provisions of the Privacy Act apply only to those systems of records which are under the legal control of the originating agency; e.g., an agency's current operating files or records stored at a Federal records center.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCS/ymw

66-3286-1377
ENCLOSURE

DRAFT

d. The guidelines listed in paragraph 4 are designed to clarify the provisions of the Federal Records Act and the Privacy Act as they relate to the destruction of records as a result of requests for amendment. In addition, the guidelines are designed to ensure that records destroyed in response to Privacy Act requests do not warrant preservation for historical or other purposes.

4. Guidelines. The disposal of records in response to requests for individuals to amend records under the Privacy Act must be carried out in accordance with chapter 33 of title 44, United States Code, and FPMR 101-11.406. Adherence to the following guidelines will ensure that these requirements are met.

a. Data elements or file items may be amended, expunged, or removed from a file without submission of a Standard Form 115 (Request for Records Disposition Authority), provided that the following conditions are met: (1) the individual formally requests such action; (2) the agency agrees to the action; and (3) the affected record is scheduled for destruction by a NARS-approved agency schedule or by a General Records Schedule. In terms of these guidelines a data element is a piece of information recorded on a document; e.g., block 3, date of birth, on Standard Form 50, Notification of Personnel Action. A file item is a document with related attachments.

b. If an agency wishes to destroy immediately one or more complete file units (folders) or amend, remove, or expunge documentation from a file not scheduled for destruction, the agency must submit a Standard Form 115 to the General Services Administration (NCD), Washington, DC 20408, requesting authority for such action. The Standard Form 115 must identify the file unit or specific documentation covered by the request.

5. Cancellation. GSA Bulletin FPMR B-74 of January 17, 1978, is canceled.

ROBERT M. WARNER
Archivist of the United States

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60220 BCG/DCG/jmw

66-3286-1377
ENCLOSURE

GENERAL SERVICES ADMINISTRATION
WASHINGTON, D. C. 20405

January 17, 1978

GSA BULLETIN FPMR B-74
ARCHIVES AND RECORDS

TO : Head of Federal agencies

SUBJECT: Disposal of Federal records in response to requests made pursuant to the Privacy Act

1. Purpose. This bulletin transmits revised guidelines designed to ensure agency compliance with Federal records disposal requirements when responding to requests to amend a record under provisions of the Privacy Act of 1974.

2. Expiration date. This bulletin will remain in effect until superseded or canceled.

3. Background.

a. Chapter 33 of title 44, United States Code, sets forth procedures for the disposal of records of the U.S. Government. Section 3314 of title 44 provides that no records of the Government shall be alienated or destroyed by a Federal agency except in accordance with chapter 33. Under this chapter, Federal records may not be destroyed unless disposal is approved by the Archivist of the United States, as delegate of the Administrator of General Services. Procedures for obtaining the necessary approval are contained in FPMR 101-11.406.

b. The Privacy Act permits an individual to examine records relating to him maintained in a system of records by Federal agencies. The individual may also request that records containing inaccurate, out-of-date, or misleading information be amended by correcting or expunging the information. An agency may agree to amend a record, or the individual may institute judicial action to try to compel an agency to amend a record.

c. Since there has been some misunderstanding concerning disposal of Federal records in response to requests made pursuant to the Privacy Act, it is necessary to specify which records may be destroyed and how destruction is to be accomplished. Records already accessioned into the National Archives are exempted from the Privacy Act provision allowing individuals to request that records relating to them be amended. Most provisions of the Privacy Act apply only to those systems of records which are under the legal control of the originating agency; e.g., an agency's current operating files or records stored at a Federal records center.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AC 60290 BCE/DCG/jmw

66-3286-1377
ENCLOSURE

d. The guidelines listed in paragraph 4 are designed to clarify the provisions of the Federal Records Act and the Privacy Act as they relate to the destruction of records as a result of request for amendment.

4. Guidelines. The disposal of records in response to requests from individuals to amend records under the Privacy Act must be carried out in accordance with chapter 33 of title 44, United States Code, and FPMR 101-11.406. Adherence to the following guidelines will ensure that these requirements are met.

a. Data elements within a document or file item (a document with related attachments) may be amended or removed if the agency agrees to the amendment. A data element is a piece of information recorded on a document; e.g. block 3, date of birth, on Standard Form 50, Notification of Personnel Action.

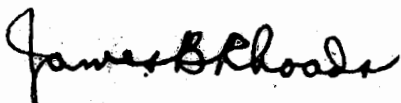
b. Removal and destruction of an entire document or file item is permitted if the agency determines that compliance with 5 U.S.C. 552a(d)(2) requires such removal and destruction.

c. A Standard Form 115, Request for Records Disposition Authority, must be submitted to the General Services Administration (NCD), Washington, DC 20408, in order to effect immediate destruction of:

(1) A series of records or file units (folders) within a series which have been approved by NARS for some eventual disposition, or

(2) Any records series or file units for which disposition has not been authorized.

5. Cancellation. GSA Bulletin FPMR B-72 of August 10, 1977, is canceled.



JAMES B. RHOADS
Archivist of the United States

21
Terry Appenzellar
Justice Management Division
(Attention: Robert M. Yahn)

May 21, 1982

Charles P. Monroe, Assistant Director
Records Management Division

FEDERAL GOVERNMENT

EXPUNGEMENT OF RECORDS
PURSUANT TO THE PRIVACY ACT

Destruction of Bureau Property

In response to your April 13, 1982, memorandum, the following comments are set forth concerning captioned matter:

The proposed revision of GSA Bulletin FPMR B-74 with regard to Privacy Act expungements provides that data elements or file items may be amended, expunged or removed from a file without the submission of SF-115, provided the following conditions are met: (1) The individual requests such action; (2) The agency agrees to the action; and (3) The affected record is scheduled for destruction by a National Archives and Records Service (NARS)-approved agency schedule or by a General Records Schedule. Since all destruction authority for FBI investigative files has been withdrawn by the Archivist of the United States during the pendency of the civil matter American Friends Service Committee, et al. v. William H. Webster, et al., U.S. District Court, Washington, D. C., Civil Action Number 79-1655, the FBI would be precluded from amending or expunging any material from investigative files in connection with a Privacy Act request. The FBI processes numerous requests for amendment, correction and partial expungement of data contained in investigative files. Requests for such partial amendments, correction and expungements have been received by the FBI in a ratio of 4 to 1 vis-a-vis total destruction of material contained in investigative files.

It is the opinion of the FBI that the requirement for the submission of SF-115 for each and every partial amendment, correction or expungement will be a burdensome procedure, not only for the FBI, but for NARS. It is obvious that the requirement for the submission of SF-115 to NARS and the

66-3286
c AD Inv. 1 - Mr. Mintz
c AD Adm. 1 - Mr. Monroe
c AD LES 1 - Mr. Scherrer
1. Dir. 1 - Mr. Riggan
M. Servs. 1 - [redacted]
M. Inv. 1 - [redacted]
st. 1 - [redacted]
H. 1 - [redacted]
Laboratory 1 - [redacted]
al Coun. 1 - [redacted]
n. & Insp. 1 - [redacted]
Ment. 1 - [redacted]
h. Servs. 1 - [redacted]
ning 1 - [redacted]
: Affs. OH. 1 - [redacted]
hane Rm. 1 - [redacted]
W's Sec'y 1 - [redacted]

b6

b7C

66-3286-1378

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 9-24-82 BY SP4 E2W/g14

MAIL ROOM ☐

Terry Appenzellar
Justice Management Division

subsequent review of material to be partially amended, corrected or expunged by NARS will cause considerable delay in the resolution of the Privacy Act request. Such delays may well result in civil litigation against the Government by the Privacy Act requester. It is believed that some discretionary authority should be afforded to the FBI to correct or amend minor items of information contained in investigative files that would obviously have no historical or other value.

Should you have any questions on this subject, please contact Special Agent R. W. Scherrer, Section Chief, Records Systems Section, Records Management Division at

b2

NOTE: In response to referenced memorandum from the Justice Management Division. The 4/30/82 deadline for a response on this matter was extended to 5/21/82 as a result of contact on 4/29/82 with Mr. Robert M. Yahn, Justice Management Division.

APPROVED:	Adm. Servs. _____	Laboratory _____
	Crim. Inv. _____	Legal Coun. _____
Director _____		Off. of Cong. & Public Affs. _____
Exec. AD-Inv. _____	Ident. _____	Rec. Mgmt. <i>cm/kur</i>
Exec. AD-LES _____	Inspection _____	Tech. Servs. _____
	Intell. _____	Training _____

Memorandum



Exec AD Adm. _____
 Exec AD Inv. _____
 Exec AD LES _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Off. of Cong. & Public Affs. _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Mr. Min. *[Signature]*

Date 5/28/82

From : C. P. Monroe

Destruction of Bureau Records

Subject : ~~RETENTION/DESTRUCTION OF FBI INVESTIGATIVE RECORDS~~
 RELATED TO NATIONAL SECURITY

PURPOSE: To present for your consideration a problem which arises from the continuing moratorium imposed by the Department of Justice on FBI destruction of national security related records.

RECOMMENDATION: That LCD review this matter and, if appropriate, correspond directly with both the Criminal and Civil Divisions, DOJ in order to resolve the issues.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
	Crim. Inv. _____	Plan. & Insp. _____
Director _____		Rec. Mgnt. _____
Exec. AD-Adm. _____	Ident. _____	Tech. Servs. _____
Exec. AD-Inv. _____	Intell. _____	Training _____
Exec. AD-LES _____	Laboratory _____	Off. of Cong. & Public Affs. _____

DETAILS: Attached are two memoranda, one from OLC and the other from Civil Division, wherein the Department is interposing objections to the destruction of national security related FBI records. While we share the Department's interest in preserving records relevant to pending civil or criminal litigation, in our judgement such a moratorium is much too broad. It prevents us from disposing of records which have been determined to be of no further investigative value, the destruction of which has been specifically requested by the record subject pursuant to his or her rights under the Privacy Act (5 U.S.C. 552a (d) (2)). As you are aware, the Act prohibits us from maintaining records which are not relevant and necessary to an authorized purpose of the FBI,

Enclosures (2) ENCLOSURE

66-3286-1379
 * Legal Counsel MEMO TO CIVIL DIV. 6/17/82

- 1 - Mr. Monroe
- 1 - *[Redacted]*
- 1 - Mr. Scherrer
- 1 - *[Redacted]*
- 1 - *[Redacted]*

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 9/28/83 BY SP-4 *[Signature]*

12 JUN 22 1982

LEGAL *[Signature]*
 RECORDS *[Signature]*

b6
 b7C

Memorandum from C. P. Monroe to Mr. Mintz

Re: Retention/Destruction of FBI Investigative Records Related to National Security

and, where describing rights guaranteed by the First Amendment, records which are not pertinent to nor within the scope of an authorized law enforcement activity.

In June of last year, Judge Harold Green of the U. S. District Court here in Washington modified a previous court order to the extent he would permit destruction of records pursuant to the Privacy Act, where the records are made available for and destruction approved by the National Archives and Records Service. NARS has agreed to this, and has provided us authority in several cases for such destruction. All of these cases, now numbering approximately 35, are being maintained under secure conditions until such time as this matter is resolved.

The Department is concerned primarily with records relevant to the discovery process in the Kearney, Gray, Felt and Miller cases, as well as those which relate to various organizations, e.g., The Black Panther Party, National Lawyers Guild, et al. None of our records relating in any way to these matters or to any organization, whatsoever, are ever destroyed. The only records considered for destruction pursuant to the Privacy Act are those which involve individual citizens, who have been the subject of old, mostly domestic security or CPUSA investigations, not related in any way to the organizations identified in the Department's memorandum. It is believed we have enough legal and investigative experience to determine ad hoc those records which might relate to pending civil or criminal proceedings.

Consequently, we suggest that LCD advise the Department that it is our intention to go forward with our records destruction procedures under the Privacy Act, subject to individual review and approval by NARS. If you think it appropriate, we certainly would not object to providing each individual case to LCD for its own review and approval.

The above may be discussed further with [redacted]
[redacted] Assistant Chief-Operations, FOIPA Section, Ext. [redacted]

b6

b7C

Memorandum



Subject

FBI Participation in Discovery in the
Kearney, Gray, Felt and Miller Cases

Date

26 MAR 1982

To

Thomas H. Bresson
Assistant Director
Records Management Division

From

Larry L. Simms
Deputy General Counsel
Office of Legal Counsel

This responds to your request of December 18, 1981 for advice on whether to end the moratorium on destruction of security related records which the Federal Bureau of Investigation has observed since January 16, 1978. We have received comments from the Torts Branch of the Civil Division (attached) and the Criminal Division. Both object to any lifting of the moratorium. The Federal Programs Branch of the Civil Division, which is handling American Friends Service Committee v. Webster, No. 79-1655 (D.D.C.), is indifferent because of the outstanding injunction in that case. This Office has no institutional interest in this matter and therefore defers to the judgment of the Civil and Criminal Divisions, since they are the litigating divisions who will have to produce any documents that are requested.

[redacted] Unit Chief, Field Coordination, Appeals Unit (FBI) [redacted] has expressed some dissatisfaction with these decisions. Since this Office is not responsible for the litigation, we cannot determine whether it would be appropriate to destroy the documents with which he is concerned. We recommend that any further correspondence be directed specifically to the litigating divisions and not to this Office.

b6

b7C

cc: John J. Farley, III
Director, Torts Branch
Civil Division

William C. Bryson
Chief, Appellate Section
Criminal Division

Vincent M. Garvey
Assistant Branch Director
Federal Programs Branch
Civil Division

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCS/gmw

66-3286-1379

ENCLOSURE

file 66-3286

JJF:LLGregg:hmr

March 8, 1982

MEMORANDUM

TO: Mr. Larry L. Simms
Deputy Assistant Attorney General
Office of Legal Counsel

FROM: John J. Farley, III
Director, Torts Branch
Civil Division

SUBJECT: FBI - Document Destruction

Your memorandum of February 11, 1982, requests our comments on the Bureau's proposal to lift a moratorium on the destruction of certain security-related records. This moratorium was imposed by your office in view of the pendency of criminal proceedings against former FBI officials Kearney, Gray, Felt and Miller.

First of all, the criminal case against Messrs. Felt and Miller remains "pending" since an appeal has been filed. Moreover, the above individuals currently are defendants in a civil suit pending in the United States District Court for the Southern District of New York captioned Judith Clark, et al. v. United States, et al., 78 CIV 2244 MEL (S.D. N.Y.), which arises out of the Weather Underground and Weather Fugitive investigations. This case is primarily handled by the United States Attorney. That office should be consulted fully before any documents are destroyed. It might be noted, however, that it is likely that any documents retrieved in connection with the criminal cases would be deemed relevant to the related civil case, in view of the broad relevancy concept embodied in the Federal Rules of Civil Procedure.

Aside from the above, you should be aware that this Division handles several cases which challenge national security investigations conducted by the Bureau over the years. These include investigations of the Black Panther Party, National Lawyers Guild, Socialist Workers Party,

66-3286-1379

ENCLOSURE

ALL FBI INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/24/03 BY AUC 60290 BCE/DCG/lym

Jewish Defense League, Peoples Coalition for Peace and Justice, Students for a Democratic Society, East Coast Conspiracy to Save Lives and numerous other groups. We are concerned that any destruction of security-related records might hinder our ability to defend the governmental and individual interests we represent in these lawsuits. It is perhaps significant to note that the Legal Counsel Division of the FBI, with which we work closely in defending these cases, does not appear to have been consulted on the question of resuming destruction. Its view would be helpful.

At the present time we are inclined to recommend against destruction of any security-related documents. At the very least, in the event the Bureau is permitted to commence normal destruction of records, provision should be made to ensure that this Division is advised in advance of any proposed destruction in order that our litigation interests and obligations might be protected. Various document retrieval and destruction programs notwithstanding, the destruction of relevant documents of potential evidentiary value could adversely impact on presently pending cases, particularly when they are subject to non-destruct orders.

cc: Mr. W. Ronald Bonds
Deputy Assistant Attorney General
Civil Division

Mr. Vincent M. Garvey
Assistant Branch Director
Federal Programs Branch
Civil Division

FEDERAL GOVERNMENT

Assistant Attorney General
Civil Division
Attention: John J. Farley, III
Director, Torts Branch
Assistant Director - Legal Counsel
Federal Bureau of Investigation

June 17, 1982

*RETENTION/DESTRUCTION OF FBI INVESTIGATIVE
RECORDS RELATED TO NATIONAL SECURITY

DESTRUCTION OF BUREAU RECORDS

Reference is made to a memorandum from the Federal Bureau of Investigation (FBI) to the Department of Justice (DOJ) Office of Legal Policy (OLP) dated December 18, 1981; a memorandum from Mr. John J. Farley, III, Director, Torts Branch, Civil Division, DOJ, to Mr. Larry L. Simms, Deputy Assistant Attorney General, OLP, dated March 8, 1982; and to a memorandum from [redacted] to [redacted] [redacted], Deputy Assistant Director, Records Management Division, FBI, dated March 26, 1982.

b6
b7C

Each of the above referenced memoranda spoke to the issue of whether to lift the DOJ-imposed moratorium on the destruction of security-related investigative records which has been in effect since January 16, 1978. It was the opinion of the DOJ that at present, the moratorium should not be lifted. The purpose of this memorandum is to clarify the FBI's request and to request reconsideration of your opinion in order to permit the destruction of a limited number of FBI documents.

As you know, the DOJ asked that the FBI not destroy any security-related investigative records on approximately January 16, 1978, because of the criminal investigation and prosecution of former FBI officials Gray, Felt, Miller and Kearney. Since that time, the FBI has abided by that moratorium and has refrained from destroying any security-related investigative records.

However, it is our belief that the moratorium should be modified to permit the destruction of certain security-related investigative records which are the subject of perfected Privacy Act requests. We are not asking that the entire moratorium be lifted at this point. Although we question whether the retention of the moratorium is

2 - Records Management Division
Attention: [redacted]
Attention: Mr. Scherrer

1 - [redacted]
1 - IPALU

b6

b7C

SEE NOTE PAGE 3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/6/83 BY SP-4 [redacted]

b6

b7C

MAILED 10

JUN 21 1982

FBI

Exec. AD-Adm. _____
Exec. AD-Inv. _____
Exec. AD-LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Off. of Cong. & Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

59 JUN 28 1982

MAIL ROOM

Assistant Attorney General
Civil Division

warranted at this time, we believe that the injunction prohibiting the FBI from "destroying or otherwise disposing of" documents in the possession of the FBI as a result of American Friends Service Committee, et al. v. Webster, et al. (U.S.D.C., D.C.), Civil Action Number 79-1655, moots the issue. We also believe that when the retention and disposition plan submitted to the Court in the American Friends Service Committee case is approved by that Court, the moratorium will effectively be removed since the disposition of FBI records will be governed by that plan.

However, the issue which now confronts the FBI and prompts this memorandum is that the FBI is currently in possession of approximately thirty-five perfected Privacy Act requests which require the destruction of certain FBI records. These Privacy Act expunction requests concern security-related files but are in no way related to any pending litigation, either civil or criminal.

As you know, the Privacy Act of 1974 permits an individual to request an agency to correct information contained in that agency's files which the individual believes is not accurate, relevant, timely or complete. Although the FBI has exempted certain of its investigative files from that provision of the Privacy Act pursuant to Title 28, Code of Federal Regulations (C.F.R.), Section 16.96, the FBI still as a matter of agency discretion responds to requests for the correction of its records where the FBI agrees the information is no longer relevant or necessary to the FBI's purposes. As mentioned before, the FBI is currently in possession of thirty-five such requests where administratively the FBI agrees with the individual requester that the information is no longer necessary and should be deleted from FBI files. It is the FBI's position that in these instances, destruction or correction of the records is appropriate and will best serve the interest of the FBI in avoiding unnecessary litigation by administratively agreeing to destroy or correct the file.

Currently, however, under the DOJ moratorium imposed on the destruction of security-related investigative records, the destruction of the records in question is not permitted. Should the moratorium be modified to permit the destruction of these records, it is the belief of the FBI that the interests of the individuals involved and the interests of the FBI will be better served.

Assistant Attorney General
Civil Division

It should also be noted that the injunction in American Friends Service Committee, which prohibits the FBI from destroying or otherwise disposing of most documentary records, would permit the destruction of the records in question. On April 3, 1980, Judge Harold H. Green modified his injunction to permit the FBI to destroy certain records which are the subject of perfected Privacy Act requests or court orders.

In summary, we agree that no records relating to any pending civil or criminal action should be destroyed. Further, though we question the necessity of retaining the entire moratorium, we believe it appropriate at this time to modify the moratorium insofar as it prohibits the FBI from responding to the perfected Privacy Act requests which it has now on hand and which may come into its possession. Such a modification of the moratorium will not lessen the ability of the FBI to respond to any civil or criminal case now pending, while on the other hand, will allow the FBI the latitude it needs in handling Privacy Act requests for the destruction of material which it is no longer necessary to maintain in FBI files.

NOTE: This memorandum is written at the request of RMD, who had earlier corresponded with DOJ and DOJ indicated it appeared LCD had not earlier been apprised of the effort to modify the moratorium. This memorandum requests DOJ to modify the moratorium on destruction of security-related investigations to allow only for the destruction of certain records which are the subject of perfected Privacy Act requests.

cm/rh

B
PJD



U.S. Department of Justice

Washington, D.C. 20530

July 27, 1982

MEMORANDUM

FEDERAL GOVERNMENT

TO: Mr. John A. Mintz
Assistant Director-Legal Counsel
Federal Bureau of Investigation

FROM: John J. Farley, III
Director, Torts Branch
Civil Division

SUBJECT: ~~Retention~~ Destruction of FBI Investigative
Records Related To National Security

*Destruction of Bureau
Records*

In responding to your memorandum of June 17, 1982, I concur in your view that the moratorium on the destruction of security-related investigative records can be modified to permit the destruction of records pursuant to perfected Privacy Act requests.

My only concern, which prompted my memorandum of March 8, 1982, was the protection of the FBI from accusations to the effect that evidence or documents possibly relevant to civil or criminal litigation have been destroyed. Assuming that the records which are the subject of the Privacy Act requests have no bearing upon such civil or criminal proceedings, destruction would appear permissible and warranted.

cc: Larry L. Simms, Esquire
Deputy Assistant Attorney General
Office of Legal Counsel

66-3288-

DE-45

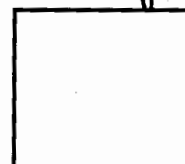
66-3288-130

V-72

TO AUG 10 1982

38
AUG 27 1982

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AUC 60290 BCE/DCG/ymw



b6

b7C

Memorandum



Exec AD Adm.
Exec AD Inv.
Exec AD LES
Asst. Dir.:
Adm. Servs.
Crim. Inv.
Ident.
Insp. *2/2/7*
Intell.
Lab.
Legal Coun.
Off. Cong. &
Public Affs.
Rec. Mgnt.
Tech. Servs. *2/2/7*
Training
Telephone Rm.
Director's Sec'y

b6
b7C To : Mr. Colwell
Chairman, Contract Review Board Date 7/1/82 b6
b7C

From : *[Redacted]*
Recording Secretary

Subject : RETENTION OF RECORDS
IDENTIFICATION DIVISION
USER FEE SYSTEM

Destruction of Bureau Records

PURPOSE: To recommend that the Inspection Division contact the General Accounting Office (GAO) and institute liaison procedures relating to the User Fee System.

General

DETAILS: On 6/28/82, the Contract Review Board, chaired by Executive Assistant Director (EAD) Colwell, met concerning the procurement of various ADP equipment to support the Identification Division User Fee System. The Board examined records which would be created and the necessity for the retention of the records. Various financial information will be generated by the User Fee System, and Federal Regulations require that GAO audit these records prior to their destruction. EAD Colwell directed that the GAO be contacted and requested to institute immediate audits so that records could be retained for as short a period of time as is permissible.

RECOMMENDATION: That the Inspection Division contact the GAO and institute procedures to ensure that records supporting the User Fee System may be disposed as quickly as possible.

- 1 - Mr. Colwell
- 1 - Mr. Bayse
- 1 - Mr. Greenleaf
- 1 - Mr. Groover
- 1 - Mr. Mintz

- 1 - *[Redacted]*
- 1 - *[Redacted]*
- 1 - Mr. Andrews
- 1 - *[Redacted]*

WEB:sjb
(11)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/28/83 BY *SP-4 ely/klm*

NOT RECORDED
25 AUG 31 1982

b6
b7C

66-3286-13306
66-11721-13306

Assistant Attorney General
for Administration
Justice Management Division
Attn: Mr. Robert M. Yahn

November 23, 1982

Charles P. Monroe, Assistant Director
Records Management Division

**QUESTIONNAIRE REGARDING THE
RECORDS DISPOSITION PROGRAM**

DESTRUCTION OF BUREAU RECORDS GENERAL

By letter dated November 5, 1982, Dr. Robert M. Warner, Archivist of the United States, provided a questionnaire pertaining to the records disposition program for use by the Appraisal and Disposition Task Force, National Archives and Records Service (NARS).

The completed questionnaire for this Bureau is attached for your review and final action.

Enclosure

NOTE: By letter dated 11/5/82, Robert M. Warner, Archivist of the United States, provided a questionnaire to assist a Task Force appointed to evaluate the records disposition efforts of Federal agencies and the subsequent performance of records appraisal and disposition functions by NARS. On 11/17/82, [redacted] Task Force Chairman, was contacted regarding the status of the disposition program of the FBI and informed that our responses would deviate somewhat from the normal pattern as the result of efforts devoted to, and restrictions resulting from, pending litigation. [redacted] indicated that such a response would be useful to the Task Force and encouraged completion of the questionnaire. A copy of referenced letter and our response are attached.

66-3286

1 - Mr. Monroe (Admin.)

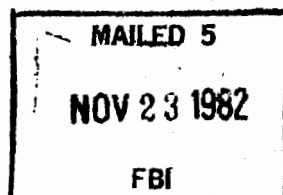
1 - Mr. Scherrer

1 - [redacted]

CMG:mv

(5)mv

Exec AD Inv. _____
Exec AD Adm. _____
Exec AD LES _____
Asst. Dir.: _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____



DE-12466-3286

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/4/82 BY SP-4 [signature]

NOV 30 1982

MAIL ROOM [initials]

QUESTIONNAIRE FOR AGENCY RECORDS OFFICERS
About The Government Records Disposition Program

1. Name of agency Department of Justice
Federal Bureau of Investigation (FBI) b2
2. Name of Records Officer Robert W. Scherrer ^{BW} Phone Number
3. Name of person primarily responsible for records disposition work (such as, preparing records schedules) if other than the formally designated records officer.
Name Phone Number b6
b7C
4. How long have you been responsible for records disposition?
☐ 1 year or less
☐ 2 - 5 years
☒ more than 5 years How many years? 6
5. Which types of records does your disposition responsibility encompass?
(Check all that apply.)
☒ Textual
☒ Audiovisual
☐ Cartographic
☒ Machine-readable
6. How often do you have contact with the National Archives and Records Service (NARS)?
☐ 1 or more times per week
☒ 2 - 3 times per month
☐ less often. If so, how many times in the last year? _____
7. What NARS unit do you deal with? (Check all that apply.)
☒ Records Disposition Division (NCD) staff
☒ Federal Records Center (FRC) staff
☒ Other. If so, please name which unit if known: _____

What is the nature of your business with each NARS unit? See #8

66-3286-1382

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/4/83 BY SP-4
clw/jtk

8. What is the nature of your contact with NARS? (Check all that apply.)

- ☒ Phone conversations
- ☒ NARS visits to your agency to review schedules
- ☒ Your visits to a Federal Records Center (FRC)
- ☐ Submission of SF 135 to FRCs
- ☐ Receipt of disposal notices from FRCs
- ☒ Letters to and/or from NARS concerning specific records schedules or other specific disposition matters
- ☒ Receipt of NARS records disposition and FRC procedural issuances for all agency records officers
- ☒ Attendance at NARS sponsored special briefings/seminars.
- ☒ Other. If so, what is the nature? See Attachment

9. Have you or other personnel from your agency taken the NARS training class in records disposition?

- ☐ No
- ☐ Yes, within the last year. If so, how many attended? _____
- ☒ Yes, within the last 2 - 5 years. If so, how many attended? 1

10. Have you or other personnel from your agency taken the NARS training class in files maintenance and improvement?

- ☒ No
- ☐ Yes, within the last year. If so how many attended? _____
- ☐ Yes, within the last 2 - 5 years. If so, how many attended? _____

11. Have you used the NARS appraisal guidelines on permanent records (GSA Bulletin FPMR B-104) in preparing records schedules?

- ☐ Yes
- ☒ No, Bulletin dated 7/21/80.

12. Are you familiar with the NARS records management handbook, Disposition of Federal Records?

- ☒ Yes
- ☐ No

13. Has this handbook been helpful to you in the preparation of records schedules?

- ☒ Yes
- ☐ No

14. Have you prepared and submitted a records disposition schedule (SF 115) to NARS within the last year?

- ☒ Yes
- ☐ No

15. What is the date of your most recently prepared and NARS approved records schedule? 8/30/82
16. Are your agency's schedules reviewed and, if necessary, updated annually?
☐ Yes ☐ No See attachment.
17. What percentage of your agency's records do you estimate are covered by up-to-date NARS approved schedules? 26%
18. Do you use the General Records Schedules (GRS) on a regular basis?
☐ Yes ☒ No See attachment.
19. What percentage of your agency's records do you estimate are covered by the General Records Schedules (GRS)? 10%
20. Have you prepared and submitted to NARS an SF 258 for an offer of unscheduled records within the last year?
☐ Yes ☒ No
21. Have you prepared and submitted to NARS an SF 258 for an offer of previously scheduled permanent records within the last year?
☒ Yes ☐ No 10/21/82.
22. Have you prepared and submitted an SF 135 to a Federal Records Center for the transfer of scheduled records to an FRC within the last year?
☐ Yes ☒ No
23. How do you evaluate NARS work with your agency in the following areas of the records disposition program?
- Reviewing records schedules submitted for NARS approval
☐ Excellent ☒ Good ☐ Average ☐ Fair ☐ Poor
- Appraising direct offers of unscheduled records in agency space
☒ Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor In 1975.
- Transferring scheduled records to Federal Records Center
☐ Excellent ☒ Good ☐ Average ☐ Fair ☐ Poor
- Transferring scheduled permanent records from agency space directly to the Office of the National Archives
☐ Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor See attachment.

24. Overall do you think the present system for records scheduling and disposition is

☒ Satisfactory? ☐ Unsatisfactory?

25. What are the strong points in the present system? _____

26. What are the weak points in the present system? What changes do you suggest to remedy these defects? _____

Richard Jacobs (NN)
Chairman, Appraisal and
Disposition Task Force
National Archives and Records Service
Washington, DC 20408

**QUESTIONNAIRE FOR AGENCY RECORDS OFFICERS
About The Government Records Disposition Program**

ATTACHMENT

- #8 Contact is maintained primarily with the Records Disposition Division; however, as the result of the preliminary injunction issued on January 10, 1980, by the U. S. District Court, District of Columbia, the FBI halted all record destruction until a retention plan and disposition schedule for FBI records were prepared by NARS and the FBI and approved by the Court. During the course of the review and appraisal of records and subsequent discovery, constant contact has been maintained with employees assigned to various components of NARS, including Presidential Libraries and the National Archives. Efforts, however, have been devoted to the NARS appraisal of FBI records. The FBI also participated with NARS personnel in a review of records stored in Washington Federal Records Center pursuant to congressional mandate.
- #16 Schedules are normally reviewed on a timely basis for revisions and/or clarification. All authority for records disposal has been withdrawn for record categories other than fingerprint records as the result of pending civil action.
- #18 Disposition authority contained in seven full schedules and one partial schedule of the General Records Schedules was withdrawn as the result of pending civil action. The remaining schedules are being applied, however.
- #23 As noted in #21, SF 258 was submitted on October 21, 1982 for permanent record group but response cannot be evaluated at this time. The disposition schedule now pending with the Court has identified numerous record categories for transfer to the National Archives after designated retention periods.



General
Services
Administration

National Archives
and
Records Service

Washington, DC 20408

5 NOV 1982

Memorandum to Agency Records Officers:

I have appointed a Task Force on appraisal and disposition to review the current records disposition efforts of the Federal Government and the performance of records appraisal and disposition functions by the National Archives and Records Service. In making this evaluation we want to benefit from your knowledge and views about the current program.

Therefore, we are sending the enclosed questionnaire to formally designated records officers of cabinet departments and their administrations, bureaus and services as well as independent agencies.

If, as the records officer of your agency, you have assigned major records disposition duties, such as writing new records schedules, to a member of your staff, we ask that such staff members also complete copies of the questionnaire.

Please complete the questionnaires as soon as possible. It will only take a few minutes of your time. If you wish to provide further comments on the appraisal and disposition activities of NARS and the Federal Government, feel free to include them in your response.

Please send your completed questionnaires to:

Richard Jacobs (NN)
Chairman, Appraisal and
Disposition Task Force
National Archives and Records Service
Washington, DC 20408

Please return the questionnaires by November 30, 1982. If you have any questions about this matter, Mr. Jacobs' phone number is ^{b2}

Sincerely,

ROBERT M. WARNER
Archivist of the United States

Enclosure

ack
11/23/82
cmg: mdv

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/03 BY AVC 100290 BCE/DCG/jmw

66-3286-1382
ENCLOSURE

AIRTEL

11/1/82

Director, FBI (86-19249)

All SACs

DESTRUCTION OF RECORDS

NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)
APPRAISAL OF FBIHQ AND FIELD RECORDS

ReButel 10/29/82, captioned as above.

Enclosed is a copy of a self-explanatory U.S. Department of Justice Civil Division teletype, dated 10/22/82, to all U.S. Attorneys concerning the 10/19/82 Memorandum and Order of U.S. District Judge Harold H. Greene in the civil matter American Friends Service Committee, et al. v. William H. Geoster, et al., U.S. District Court, Washington, D. C., Civil Action Number 79-1655, which was filed on 10/20/82.

The enclosure is provided for your information.

Enclosure

NOTE: Detailed instructions re disposition of seized, subpoenaed and voluntarily contributed documentary evidence pursuant to USDJ Greene's 10/19/82 Memorandum and Order, supra, were furnished the field via Butel 10/29/82, captioned as above. Field is being provided with a copy of DOJ, Civil Division, instructions to all U.S. Attorneys re Judge Greene's 10/19/82 Memorandum and Order.

APPROVED:

Adm. Servs.

Laboratory

- 1 - Mr. Colwell
- 1 - EAD. Inv.
- 1 - Mr. Otto
- 1 - Ea. Assistant Director
- 1 - Mr. Scherrer

RWS

RECORDED

Re

CM JB

66-9286-

66-9286-

b6

b7C

NOT RECORDED

26 NOV 15 1982

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *9/28/83* BY *SP-4 elw/alw*

MAIL ROOM ☐

NOV 15 1982

Original Filed In 66-19249-299

TELEGRAPHIC MESSAGE

NAME OF AGENCY DEPARTMENT OF JUSTICE		PRECEDENCE ACTION: INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED 10/22/82	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS	
FOR INFORMATION CALL NAME 		PHONE NUMBER	
THIS SPACE FOR USE OF COMMUNICATION UNIT			
b6 b7C			

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: ALL UNITED STATES ATTORNEYS

PURSUANT TO A MEMORANDUM ORDER ISSUED ON OCTOBER 20, 1982, BY UNITED STATES DISTRICT JUDGE HAROLD H. GREENE, THE FBI IS NO LONGER REQUIRED TO RETAIN ORIGINALS OR COPIES OF GRAND JURY SUBPOENAED, SEIZED OR VOLUNTARILY CONTRIBUTED DOCUMENTARY MATERIAL PURSUANT TO THE JANUARY 10, 1980 INJUNCTION, AS AMENDED, IN AMERICAN FRIENDS SERVICE COMMITTEE V. WEBSTER.

ACCORDINGLY, I AM RESCINDING MY PREVIOUS INSTRUCTIONS ISSUED ON JUNE 29, 1982, REGARDING DISPOSITION OF GRAND JURY SUBPOENAED DOCUMENTS IN ACCORDANCE WITH PREVIOUS ORDERS IN AMERICAN FRIENDS. THE ORDERS IN AMERICAN FRIENDS NO LONGER RESTRICT THE LAWFUL DISPOSITION OF GRAND JURY SUBPOENAED, SEIZED OR VOLUNTARILY CONTRIBUTED MATERIAL IN THE POSSESSION OF THE FBI.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY ARC 10220 BCE/DCG/jmw

PAGE NO. 1		NO. OF PGS. 1	SECURITY CLASSIFICATION
---------------	--	------------------	-------------------------

memorandum

DATE: 9/8/82

REPLY TO
ATTN OF: SAC, PHILADELPHIA (87-C-29067)(HRA)(RUC)

SUBJECT: [redacted] aka;

dba [redacted]
PITTSFORD, VERMONT; ITSP - TTT
EX (OO: ALBANY)

b7C

TO: DIRECTOR, FBI
ATTENTION: RECORDS MANAGEMENT DIVISION,
ELSUR INDEX, ROOM 4448

This file has been stamped on the cover with the word "ELSUR" and a tickler made for review ten years after it has been RUC'd, in accordance with Bureau instructions in Bureau airtel 3/12/79.

This file contains either tapes, logs, transcripts, related records, Title III matters or consensual tape matters and is being maintained beyond the established destruction period.

Pursuant to instructions ^{Field} contained in Bureau letter 5/8/78 captioned "Destruction of Files and Records." this letter is to serve as justification for retaining the file beyond the established destruction period.

- ① - Bureau
1 - Albany (87-C-10736)(RRA)(Info.)
2 - Philadelphia
1 - 66-6740 Sub A
1 - 87-C-29067 (HRA)

NOT RECORDED
46 OCT 5 1982

DPH:kak
(4)

"ENCLOSURE ATTACHED"

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/28/83 BY SP-4 elw/palm

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

76 OCT 12 1982

UNITED STATES GOVERNMENT
memorandum

Emc
DATE: 8/24/81

REPLY TO
ATTN: SAC, PHILADELPHIA (9B-4593) (NSRA) (C)

Julian
SUBJECT: [REDACTED] (LNU);
VICTIM;

b7C

EXTORTION

TO: (OO:PH)

DIRECTOR, FBI

ATTENTION: RECORDS MANAGEMENT DIVISION
ELSUR INDEX
ROOM 4448

This file has been stamped on the cover with the word "Elsur" and a tickler made for review ten years after it has been closed or RUC'd, in accordance with Bureau instructions in Bureau airtel, 3/12/79.

This file, which concerns consensual tape matters, does not contain tapes, logs, transcripts, related records, or Title III matters, but is being maintained beyond the established destruction period.

Field
Pursuant to instructions contained in Bureau letter, 5/8/78, captioned "~~Destruction of Files and Records~~", this letter is to serve as justification for retaining the file beyond the established destruction period.

66-3286-

NOT RECORDED
46 OCT 5 1982
23 OCT 1982

- ① - Bureau
2 - Philadelphia
1 - (66-6740 SUB A)
1 - (9B-4593) (NSRA)

FJK/jc
(3)

Initials on Original

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/28/83 BY SP-4 elu/falm

SIX
[Signature]
RES. INST.

76 OCT 21 1982

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

Memorandum



Exec AD Adm. _____
Exec AD Inv. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Off. of Cong. & Public Affs. _____
Telephone Rm. _____
Director's Sec'y _____

To : Mr. Monroe *Com/Russ*

Date 8/13/82

From : R. W. Scherrer *Russ*

Subject : ARCHIVAL AUTHORIZATION FOR
DESTRUCTION OF BUREAU RECORDS

PURPOSE:

The purpose of this memorandum is to gain approval to forward a disposal request to the National Archives and Records Service (NARS) to expunge "see" references in order to complete a pending Privacy Act request.

RECOMMENDATION:

That the attached copies of SF 115 be referred to NARS for action.

APPROVED: _____
Director _____
Exec AD-Adm. _____ *Com/Russ*
Exec AD-Inv. _____
Exec AD-LES _____
Intell. _____

DETAILS:

As you are aware, the Civil Division of the Department of Justice has modified the moratorium on the destruction of security-related material, which became effective on 1/16/78, to permit destruction of record material resulting from Privacy Act expungement requests. Authority to destroy entire files has been granted on numerous occasions and our submissions to NARS are current.

Enclosure
66-19087

1 - Mr. Mintz (Attn: _____)
1 - Mr. Monroe (Admin.)
1 - Mr. Scherrer

1 - _____
CMG:1cm(5)

66-3286

NOT RECORDED
26 AUG 23 1982

b6
b7C

66 AUG 11 1982

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/18/83 BY SP-4 elaf/aln

66-19087-101
Original Filed in

Memo R. W. Scherrer to Mr. Monroe
RE: ARCHIVAL AUTHORIZATION FOR
DESTRUCTION OF BUREAU RECORDS

NARS has, however, withdrawn a broad authority to perform expungements on serials and/or portions thereof which was distributed throughout the Federal Government as FPMR Bulletin B-74. Until that authority is more clearly defined, restricted and approved, partial expungements and serial deletions will be handled by submission of SF 115 to NARS. We are currently maintaining a three-year backlog of partial expungements.

Attached herewith are the appropriate number of copies of SF 115 to obtain authority to complete our most urgent request. The remaining requests will be submitted on a timely basis.

Request for Records Disposition Authority—Continuation

JOB NO.

PAGE OF

2 of 2

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	65-9180-33-2 (serial) 65-12352-64 p. 12 (name) 65-36142-223 p. 3-5 (name) 65-36481-16 p. 1, encl 2pp. (partial) 66-7155-214 p. 2 (name) 74-1332-4083 ep. 1 (name) 97-1038-21 p. 5 (name) 100-2-3 p. 1 (partial) 100-2-74 p. 1 (name) 100-2-1058 ep. 2 (name) 100-2-1123 ep. 1 (name) 100-1054-7X p. 4 (name) 100-12997-151 ep. 11 (name) 100-26844-632 p. 15 (name) 100-69599-267 p. 2 (name) 100-195769-1 p. 2 (name) 100-363922-15 p. 5 (name) 100-366471-34 ep. 23 (name) 102-1-150 ep. 7 (name) 105-190908-17 p. 3 (identifying data) 121-0-1678 (serial) 121-0-2847 ep. 3 (partial) 121-23278-14 ep. 1 (name) 121-23278-57 p. 1 (name) 121-23278-68 p. 1 (name) 121-23278-77 ep. 3a (summary) 121-23278-86 ep. 1 (name) 121-23278-170 ep. 2 (name) 121-23278-193 p. 1 (name) 121-23278-195 p. 1 (name) 121-23278-199 p. 1 (name) 121-23278-215 p. 3 (name) 190-24663 (copies of excised documents as above) Immediate Destruction/Deletion		

115-203

Four copies, including original, to be submitted to the National Archives

STANDARD FORM 115-A
Revised July 1974
Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4

GPO : 1975 O - 712-587

66-3286-1383
CHANGED TO
66-3941-1838X47

MAY 14 1985

ABH JABH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/03 BY AVC 60290 BCE/DCS/ymw

66-3286-1384
CHANGED TO
190-38893-8X

CONS. / MMJ.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/93 BY AUC 60290 BEE/DCS/ymw
#03-R0762

Memorandum



Exec AD Adm.
Exec AD Inv.
Exec AD LES
Asst. Dir.:

- Adm. Servs.
- Crim. Inv.
- Ident.
- Insp.
- Intell.
- Lab.
- Legal Coun.
- Off. Cong. & Public Affs.
- Rec. Mgnt.
- Tech. Servs.
- Training
- Telephone Rm.
- Director's Sec'y

To : Mr. Monroe *cm/lux*

Date 12/3/82

From : W. A. Bayse *WAB*

Subject : *X* CONTRACTS

Destruction of Bureau Property - General

PURPOSE: The purpose of this memorandum is to inform the Records Management Division (RMD) of the destruction/retention program being implemented by the Contract Review Unit, Technical Services Division (TSD).

RECOMMENDATION: None. For information.

APPROVE

Director _____
Exec AD-Adm. _____
Exec AD-Inv. _____
Exec AD-LES _____

Ident. _____
Insp. _____
Intell. _____

Rec. Mgnt. *cm/lux*
Tech. Servs. *WAB*
Training _____

DETAILS: Based on R. W. Scherrer memorandum to Mr. Finzel, dated 9/12/80, captioned "Destruction of Bureau Records, Partial Resumption of Record Destruction Program," the Contract Review Unit, TSD, has commenced a destruction program which is consistent with authority granted by the National Archives and Records Service (NARS) and modified orders issued by U.S. District Court Judge Harold H. Greene.

The Contract Review Unit plans to destroy contracts which have been stored for some 20 years and are disposable after 6 years and 3 months after final payment. Contracts which do not meet the disposal requirements (dated subsequent to August, 1976) will be forwarded to RMD for filing and all indexing will be noted on the individual transmittal cover letters to permit retrieval. In the future, contracts will be sent to file when they are inactive or closed.

On an annual basis, the Contract Review Unit will conduct reviews of, and destroy, the contracts eligible for destruction, request RMD to remove the related index cards/entries from the manual/automated indices, and place a notation on the transmittal document in file that the attachment has been destroyed.

66-3941

- 1 - Mr. Bayse
- 1 - Mr. Groover
- 1 - Mr. Monroe
- 1 - Mr. Scherrer

CLB:rmu

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/28/83 BY SP-4 *duj/alm*

17 DEC 8 1982